

*ISSUED BY:*  
**BOARD OF  
BEHAVIORAL SCIENCES**

**LAWS AND REGULATIONS  
RELATING TO THE PRACTICE OF  
MARRIAGE, FAMILY, AND CHILD COUNSELING,  
LICENSED CLINICAL SOCIAL WORK,  
AND LICENSED EDUCATIONAL PSYCHOLOGY**

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***THE LAWS AND REGULATIONS IN THIS MANUAL  
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***The changes from the May 2000 edition affect the  
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***1816, 1816.6, and 1816.7 of the  
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***THIS MANUAL DOES NOT CONTAIN CHANGES MADE  
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These other sections of law may also apply: Business and Professions Code Sections 25, 28, 29, 29.5, 30, 31, 32, 118, 119, 123, 123.5, 125, 125.3, 125.6, 141, 149, 166, 475, 476, 477, 478, 480, 481, 482, 484, 485, 486, 487, 490, 490.5, 491, 492, 493, 494, 495, 496, 498, 499, 650, 650.4, 651, 652, 700, 701, 702, 703, 704, 726, 728, 729, 810, 820, 821, 822, 823, 17500, 17500.1, 17500.5, 17535, 17535.5, and 17536.

# **BUSINESS AND PROFESSIONS CODE OF CALIFORNIA**

## **CHAPTER 13. MARRIAGE, FAMILY AND CHILD COUNSELORS**

### **ARTICLE 1. REGULATION**

#### **§4980. NECESSITY OF LICENSE**

(a) Many California families and many individual Californians are experiencing difficulty and distress, and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.

Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resource. Marriage, family, and child counselors provide a crucial support for the well-being of the people and the State of California.

(b) No person may for remuneration engage in the practice of marriage, family, and child counseling as defined by Section 4980.02, unless he or she holds a valid license as a marriage, family, and child counselor, or unless he or she is specifically exempted from that requirement, nor may any person advertise himself or herself as performing the services of a marriage, family, child, domestic, or marital consultant, or in any way use these or any similar titles to imply that he or she performs these services without a license as provided by this chapter. Persons licensed under Article 4 (commencing with Section 4996) of Chapter 14 of Division 2, or under Chapter 6.6 (commencing with Section 2900) may engage in such practice or advertise that they practice marriage, family, and child counseling but may not advertise that they hold the marriage, family, and child counselor's license.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

#### **§4980.01. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES**

(a) Nothing in this chapter shall be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, or the Psychology Licensing Act.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his or her professional practice.

(c) This chapter shall not apply to an employee of a governmental entity or of a school, college, or university, or of an institution both nonprofit and charitable if his or her practice is performed solely under the supervision of the entity, school, or organization by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.

(d) Notwithstanding subdivisions (b) and (c) all persons registered as interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; Stats. 1993, ch. 1054.)

#### **§4980.02. PRACTICE OF MARRIAGE, FAMILY AND CHILD COUNSELING; APPLICATION OF PRINCIPLES AND METHODS**

For the purposes of this chapter, the practice of marriage, family, and child counseling shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more

adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and premarriage counseling.

The applications of marriage, family, and child counseling principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, and the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships.

Leg.H. (Amended by Stats. 1990, ch. 1086, sec. 1.)

### **§4980.03. BOARD; INTERN; TRAINEE; ADVERTISE**

(a) "Board," as used in this chapter, means the Board of Behavioral Sciences.

(b) "Intern," as used in this chapter, means an unlicensed person who has earned his or her master's or doctor's degree qualifying him or her for licensure and is registered with the board.

(c) "Trainee," as used in this chapter, means an unlicensed person who is currently enrolled in a master's or doctor's degree program, as specified in Section 4980.40, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(d) "Advertise," as used in this chapter, includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; Stats. 1993, ch. 1054.)

### **§4980.07. ADMINISTRATION OF CHAPTER**

The board shall administer the provisions of this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4980.08. LICENSE TITLE NAME CHANGE**

(a) The title "licensed marriage, family and child counselor" or "marriage, family and child counselor" is hereby renamed "licensed marriage and family therapist" or "marriage and family therapist," respectively. Any reference in any statute or regulation to a "licensed marriage, family and child counselor" or "marriage, family and child counselor" shall be deemed a reference to a "licensed marriage and family therapist" or "marriage and family therapist" .

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed pursuant to this chapter.

(c) This section shall become operative July 1, 1999.

Leg.H. (Added by Stats. 1998, ch. 108, sec 1.)

### **§4980.10. ENGAGING IN PRACTICE**

A person engages in the practice of marriage, family, and child counseling who performs or offers to perform or holds himself or herself out as able to perform such a service for remuneration in any form, including donations.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4980.30. APPLICATION FOR LICENSE; PAYMENT OF FEE**

Except as otherwise provided herein, a person desiring to practice and to advertise the performance of marriage, family, and child counseling services shall apply to the board for a license and shall pay the license fee required by this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4980.31. DISPLAY OF LICENSE**

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

Leg.H. (Added by Stats. 1998, ch. 879, sec 4.)

### **§4980.34. LEGISLATIVE INTENT**

It is the intent of the Legislature that the board employ its resources for each and all of the following functions:

- (a) The licensing of marriage, family, and child counselors, clinical social workers, and educational psychologists.
- (b) The development and administration of written and oral licensing examinations and examination procedures, as specified, consistent with prevailing standards for the validation and use of licensing and certification tests. Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.
- (c) Enforcement of laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.
- (d) Consumer education.

Leg.H. (Added by Stats. 1986, ch. 1365, sec. 4. Amended by Stats. 1998, ch. 589, sec 10.)

### **§4980.35. OBLIGATION TO PROVIDE COMPLETE AND ACCURATE APPLICATION; DUTIES OF BOARD**

(a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage, family, and child counseling license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.

(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants for licensure may develop greater cooperation, the board shall do all of the following:

(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage, family, and child counseling to the relevant educational institutions, supervisors, professional associations, applicants, trainees, interns, and the consuming public.

(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of Section 4980.40 and any regulations adopted pursuant to that section, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student's application for licensure.

(3) Notify applicants in the application procedure when applications are incomplete, inaccurate, or deficient, and inform applicants of any remediation, reconsideration, or appeal procedures that may be applicable.

(4) Undertake, or cause to be undertaken, further comprehensive review, in consultation with educational institutions, professional associations, supervisors, interns, and trainees, of the supervision of interns and trainees, which shall include, but not be limited to, the following, and shall propose regulations regarding the supervision of interns and trainees which may include, but not be limited to, the following:

(A) Supervisor qualifications.

(B) Continuing education requirements of supervisors.

(C) Registration or licensing of supervisors, or both.

(D) Responsibilities of supervisors in general.

(E) The board's authority in cases of noncompliance or negligence by supervisors.

(F) The intern's and trainee's need for guidance in selecting well-balanced and high quality professional training opportunities within his or her community.

(G) The role of the supervisor in advising and encouraging his or her intern or trainee regarding the necessity or value and appropriateness of the intern or trainee engaging in personal psychotherapy, so as to enable the intern or trainee to become a more competent marriage, family, and child counselor.

Leg.H. (Added by Stats. 1986, ch. 1365, sec. 4; Stats. 1993, ch. 1054.)

### **§4980.37. DEGREE PROGRAM; COURSE OF STUDY AND PROFESSIONAL TRAINING**

(a) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage, family, and child counselors, a degree program which meets the educational qualifications for licensure shall include all of the following:

(1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, and treatment of mental disorders.

(2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.

(3) Train students specifically in the application of marriage and family relationship counseling principles and methods.

(4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.

(6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage, family, and child counselors.

(7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.

(b) Educational institutions are encouraged to design the practica required by subdivision (b) of Section 4980.40 to include marriage, family, and child counseling experience in low-income and multicultural mental health settings.

Leg.H. (Added by Stats. 1986, ch. 1365, sec. 4; Stats. 1993, ch. 1054.)

### **§4980.38. NOTIFICATION TO STUDENTS OF DESIGN OF DEGREE PROGRAM; CERTIFICATION OF FULFILLMENT OF REQUIREMENTS**

(a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirement of Section 4980.37 and shall certify to the board that it has so notified its students.

(b) In addition to all the other requirements for licensure, each applicant shall submit to the board a certification by the chief academic officer, or his or her designee, of the applicant's educational institution that the applicant has fulfilled the requirements enumerated in Sections 4980.37 and 4980.40, and subdivisions (a) and (d) of Section 4980.41.

(c) An applicant for an intern registration who has completed a program to update his or her degree in accordance with subdivision (k) of Section 4980.40 shall furnish to the board certification by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges, or from a school, college, or university meeting accreditation standards comparable to those of the Western Association of Schools and Colleges, that the applicant has successfully completed all academic work necessary to comply with the current educational requirements for licensure as a marriage, family, and child counselor.

Leg.H. (Amended by Stats. 1987, ch. 738, sec. 1; Stats. 1993, ch. 1054.)

## **§4980.40. QUALIFICATIONS**

To qualify for a license an applicant shall have all the following qualifications:

(a) Applicants applying for licensure on or after January 1, 1988, shall possess a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, pursuant to Section 94774.5 of the Education Code. For purposes of this chapter, the term "approved by the Bureau for Private Postsecondary and Vocational Education" shall not include temporary, conditional, or any other type of interim approval. In order to qualify for licensure pursuant to this subdivision, any doctor's or master's degree program shall contain no less than 48 semester or 72 quarter units of instruction. The instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment.

The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage, family, and child counseling, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board may, by regulation, further define the content requirements of required courses specified in this subdivision.

(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage, family, and child counselor.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) (A) Supervised practicum hours, as specified in this subdivision, shall be evaluated, accepted, and credited as hours for trainee experience by the board.

(B) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

(e) All applicants shall be at least 18 years of age.

(f) All applicants shall have at least two years' experience that meets the requirements of this chapter in interpersonal relationships, marriage, family, and child counseling and psychotherapy under the supervision of a licensed marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology. Experience shall not be gained under the supervision of an individual who has provided therapeutic services to that applicant. For those supervisorial relationships in effect on or before December 31, 1988, and which remain in continuous effect thereafter, experience may be gained under the supervision of a licensed physician who has completed a residency in psychiatry. Any person supervising another person pursuant to this subdivision shall have been licensed or certified for at least two years prior to acting as a supervisor, shall have a current and valid license that is not under suspension or probation, and shall meet the requirements established by regulations.

(g) The applicant shall pass a written examination and an oral examination conducted by the board or its designees.

(h) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of any crime in the United States that involves sexual abuse of children or who has been ordered to register as a mentally disordered sex offender or the equivalent in another state or territory.

(i) Applicants applying for licensure on or before December 31, 1987, shall possess all of the qualifications specified in subdivisions (e) to (h), inclusive, and shall possess a doctor's or master's degree in marriage, family, and child counseling, social work, clinical psychology, counseling, counseling psychology, child development and family studies, or a degree determined by the board to be equivalent, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the board.

(j) For applicants applying for a license pursuant to subdivision (i), the board may make a determination that an applicant's master's or doctor's degree is an equivalent degree if it finds that the degree was issued upon completion of a course of academic study primarily designed to train persons as a marriage, family, and child counselor. The course of study completed by the applicant shall contain not less than 30 semester or 45 quarter units of coursework as follows: (1) human biological, psychological, and social development, (2) human sexuality, (3) psychopathology, (4) cross-cultural mores and values, (5) theories of marriage, family, and child counseling, (6) professional ethics and law, (7) human communication, (8) research methodology, (9) theories and applications of psychological testing, and (10) not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, family, and child relationship dysfunctions. The applicant shall submit to the board satisfactory written verification by the chief academic officer of the accredited or approved school, or by an authorized designee, that the applicant has successfully completed courses, including the practicum required by the board. The verification shall include, but need not be limited to, descriptions of the completed courses. The board may request further written verification of course content and academic experience to determine that the applicant's training and experience is equivalent to the course of instruction required by this section.

(k) (1) An applicant applying for intern registration who, prior to December 31, 1987, met the qualifications for registration, but who failed to apply or qualify for intern registration may be granted an intern registration if the applicant meets all of the following criteria:



(A) The applicant possesses a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work obtained from a school, college, or university currently conferring that degree that, at the time the degree was conferred, was accredited by the Western Association of Schools and Colleges, and where the degree conferred was, at the time it was conferred, specifically intended to satisfy the educational requirements for licensure by the Board of Behavioral Sciences.

(B) The applicant's degree and the course content of the instruction underlying that degree have been evaluated by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges to determine the extent to which the applicant's degree program satisfies the current educational requirements for licensure, and the chief academic officer certifies to the board the amount and type of instruction needed to meet the current requirements.

(C) The applicant completes a plan of instruction that has been approved by the board at a school, college, or university accredited by the Western Association of Schools and Colleges that the chief academic officer of the educational institution has, pursuant to subparagraph (B), certified will meet the current educational requirements when considered in conjunction with the original degree.

(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03, once he or she is enrolled to complete the additional coursework necessary to meet the current educational requirements for licensure.

Leg.H. (Amended by Stats. 1993, ch. 1054; Stats. 1994, ch. 474; Stats. 1995, ch. 327, sec. 1.; Stats. 1996 ch. 829, sec 86; Stats. 1998, ch. 879, sec 4.5.)

#### **§4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING**

All applicants for licensure shall complete the following coursework or training in order to be eligible to sit for the licensing examinations:

(a) A two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors, which shall include, but not be limited to, the following areas of study:

(1) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.

(2) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage, family, and child counseling, including family law.

(3) The current legal patterns and trends in the mental health profession.

(4) The psychotherapist/patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(5) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

This course may be considered as part of the 48 semester or 72 quarter unit requirements contained in Section 4980.40.

(b) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 or any regulations promulgated thereunder.

(c) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.40.

(d) Except for persons who have started graduate study prior to January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.40.

(e) Except for persons who began graduate study prior to January 1, 1995, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The requirement for coursework in spousal or partner abuse detection and treatment shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

(f) Except for persons who began graduate study prior to January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychological testing. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.40.

(g) Except for persons who began graduate study prior to January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychopharmacology. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.40.

(h) The requirements added by subdivisions (f) and (g) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and are not intended in any way to expand or restrict the scope of licensure for marriage and family therapists.

Leg.H. (Amended by Stats. 1987, ch. 738, sec. 3; Stats. 1993, c.h. 1234.; Stats. 1999, ch. 406.)

## **§4980.42. TRAINEES' SERVICES**

(a) Trainees performing services in any work setting specified in subdivision (e) of Section 4980.43 may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee." Trainees may gain hours of experience outside the required practicum. Those hours shall be subject to the requirements of subdivision (b) and to the other requirements of this chapter.

(b) On and after January 1, 1995, all hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

Leg.H. (Stats. 1993, ch. 1054, sec. 8.)

## **§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES**

(a) For all applicants, a minimum of two calendar years of supervised experience is required, which experience shall consist of 3,000 hours obtained over a period of not less than 104 weeks. Not less than 1,500 hours of experience shall be gained subsequent to the granting of the qualifying master's or doctor's degree. For those applicants who enroll in a qualifying degree program on or after January 1, 1995, not more than 750 hours of counseling and direct supervisor contact may be obtained prior to the granting of the qualifying master's or doctor's degree. However, this limitation shall not be interpreted to include professional enrichment activities. Except for personal psychotherapy hours gained after enrollment and commencement of classes in a qualifying degree program, no hours of experience may be gained prior to becoming a trainee. All experience shall be gained within the six years immediately preceding the date the application for licensure was filed,

except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.40 shall be exempt from this six-year requirement.

(b) All experience shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage, family, and child counseling. Experience shall be gained by interns and trainees either as an employee or as a volunteer in any allowable work setting specified in this chapter. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

(c) Supervision shall include at least one hour of direct supervisor contact for each week of experience claimed. A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting in which experience is gained. An intern shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified in regulation. The 5 to 1 and 10 to 1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.

(d) (1) The experience required by Section 4980.40 shall include supervised marriage, family, and child counseling, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.

(2) "Professional enrichment activities," for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted toward the professional experience requirement. This psychotherapy shall be performed by a licensed marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry.

(e) The experience required by Section 4980.40 may be gained as a trainee in the following settings: a governmental entity, a school, college or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community treatment facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code, if the experience is gained by the trainee solely as part of the position for which he or she is employed.

(f) The experience required by Section 4980.40 may be gained as an intern as specified in subdivision (e), or when employed in a private practice owned by a licensed marriage, family, and child counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions. Employment in a private practice setting shall not commence until the applicant has been registered as an intern. When an intern is employed in a private practice setting by any licensee enumerated in this section, or by a professional corporation of any of those licensees, the intern shall be under the direct supervision of a licensee enumerated in subdivision (f) of Section 4980.40 who shall be employed by and practice at the same site as the intern's employer. An intern employed in a private practice setting shall not pay his or her employer for supervision. While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(g) All interns shall register with the board in order to be credited for postdegree hours of experience gained toward licensure, regardless of the setting where those hours are to be gained. Except as provided in subdivision (h), all postdegree hours shall be gained as a registered intern.

(h) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's

degree and is thereafter granted the intern registration by the board.

(i) Trainees and interns shall not receive any remuneration from patients or clients, and shall only be paid by their employer.

(j) Trainees and interns shall only perform services at the place where their employer regularly conducts business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.

(k) An intern or trainee who provides volunteered services or other services, and who receives no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by that intern or trainee for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

Leg.H. (Amended by Stats. 1990, ch. 1086, sec. 2; Stats. 1992, ch. 890; Stats. 1993, ch. 1054; Stats. 1994, ch. 116; Stats 1996, ch. 739, sec. 1.; Stats 1997, ch. 196, sec 1.)

#### **§4980.44. UNLICENSED INTERN; QUALIFICATIONS; NOTICE TO CLIENT OR PATIENT**

[Operative until January 1, 1999]

Leg.H. (Amended by Stats. 1991, ch. 1114, sec. 1; Stats. 1995, ch. 327, sec. 2.)

#### **§4980.44. UNLICENSED INTERN; QUALIFICATIONS; NOTICE TO CLIENT OR PATIENT**

[Operative January 1, 1999]

(a) An unlicensed marriage, family, and child counselor intern employed under this chapter shall:

(1) Have earned at least a master's degree as specified in Section 4980.40.

(2) Be registered with the board prior to the intern performing any duties, except as otherwise provided in subdivision (e) of Section 4980.43.

(3) File for renewal of registration annually for a maximum of five years after initial registration with the board.

(4) Inform each client or patient prior to performing any professional services that he or she is unlicensed and under the supervision of a licensed marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry and who is described in subdivision (f) of Section 4980.40, whichever is applicable. Continued employment as an unlicensed marriage, family, and child counselor intern shall cease after six years unless the requirements of subdivision (b) are met.

(b) When no further renewals or extensions are possible, either because the applicant has exhausted the number of renewals and extensions available or because of the repeal of Section 4980.44, as amended by Chapter 1114 of the Statutes of 1991, an applicant may apply for and obtain new intern registration status if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may fulfill the required hours of experience in all allowable work settings except in private practice, and shall fulfill all of the required hours of experience for licensure within that intern registration period. Hours of experience fulfilled under a prior intern registration shall not be used to satisfy licensure requirements.

(c) This section shall become operative on January 1, 1999.  
Leg.H. (Added by Stats. 1995, ch. 327, sec.3.)

#### **§4980.45. EMPLOYMENT OR TERMINATION OF INTERNS, NOTIFICATION TO BOARD**

(a) A licensed professional in private practice who is a marriage, family, and child counselor, a psychologist, a clinical social worker, a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry and who is described in subdivision (f) of Section 4980.40 may supervise or employ, at any one time, no more than two unlicensed marriage, family, and child counselor registered interns in that private practice.

(b) A marriage, family, and child counseling corporation may employ, at any one time, no more than two registered interns for each employee or shareholder who is qualified to provide supervision pursuant to subdivision (f) of Section 4980.40. In no event shall any corporation employ, at any one time, more than 10 registered interns. In no event shall any supervisor supervise, at any one time, more than two registered interns. Persons who supervise interns shall be employed full time by the professional corporation and shall be actively engaged in performing professional services at and for the professional corporation. Employment and supervision within a marriage, family, and child counseling corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(c) Within 30 days of employment and within 30 days of termination of employment, in any allowable work setting, a registered intern shall notify the board in writing of the employment or termination of employment. The notice shall include the name of the registered intern, the full name and business address of the employer, the type of work setting where the intern is gaining hours of experience, and the date employment commenced or terminated. If an intern fails to notify the board within 30 days after the date of his or her employment or termination of employment, the board shall not accept any hours of experience gained during that period of employment prior to notification for the purposes of meeting the experience requirements for licensure. The board may, at its discretion, waive this requirement when it believes good cause exists. "Employment," as used in this section, means the gaining of hours of experience in an allowable setting as an employee or as a volunteer. This subdivision does not apply to hours gained on or after January 1, 1994.

Leg.H. (Amended by Stats. 1989, ch. 772, sec. 2; Stats. 1992, ch. 890; Stats. 1993, ch. 1054; Stats. 1994, ch. 146; Stats 1999, ch. 657, sec. 1.)

#### **§4980.46. FICTITIOUS BUSINESS NAMES**

Any licensed marriage, family, and child counselor who conducts a private practice under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

Leg.H. (Added by Stats. 1988, ch. 864, sec. 1.)

#### **§4980.47. TRAINEES; REGISTRATION FOR CREDIT FOR HOURS OF EXPERIENCE; FORM; APPLICATION OF SECTION**

(Enacted Stats. 1989. Repealed Stats. 1993, ch. 1054.)

#### **§4980.48. TRAINEES; NOTICE TO BOARD OF EMPLOYMENT OR TERMINATION OF EMPLOYMENT; NOTICE TO CLIENTS OF UNLICENSED STATUS; APPLICATION OF SECTION**

A trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under the supervision of a licensed marriage, family, and child counselor, a licensed clinical social worker, a licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Leg.H. (Added by Stats. 1989, ch. 772, sec. 4; Stats. 1993, ch. 1054.)

#### **§4980.50. EXAMINATION; ISSUANCE OF LICENSE**

Every applicant who meets the educational and experience requirements and applies for a license as a marriage, family, and child counselor shall be examined by the board. The examinations shall be as set forth in subdivision (g) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

The board shall not deny any applicant, who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct which would constitute grounds to deny licensure.

The board shall not deny any applicant, whose application for licensure is complete, admission to the written examination, nor shall the board postpone or delay any applicant's written examination or delay informing the candidate of the results of any written examination, solely upon the receipt by the board of a complaint alleging acts or conduct which would constitute grounds to deny licensure.

When an applicant for examination who has passed the written examination is the subject of a complaint or is under board investigation for acts or conduct which, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the oral examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

Notwithstanding Section 135, the board may deny any applicant who has previously failed either the written or oral examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485 of the Business and Professions Code.

The board shall retain all written examinations for at least one year following the date of the examinations. The board shall keep an accurate record of all oral examinations for at least one year following the date of the examinations.

An applicant who has qualified pursuant to this chapter shall be issued a license as a marriage, family, and child counselor in the form that the board may deem appropriate.  
Leg.H. (Amended by Stats. 1990, ch. 1086, sec. 3.)

## **§4980.54. CONTINUING EDUCATION**

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to assure that an applicant is prepared and qualified to take the licensure examinations and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage, family, and child counselors and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) (1) Except as provided in subdivision (e), on and after January 1, 2000, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage, family, and child counseling in the preceding two years, as determined by the board.

(2) For those persons renewing during 1999, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of marriage, family, and child counseling, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education regulations adopted by the board pursuant to the other provisions of this section.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause as defined by the board.

(f) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state approved school that meets the requirements set forth in Section 4980.40. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional marriage, family, and child counseling association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, or a mental health professional association, approved by the board.

(3) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(g) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of marriage, family, and child counseling.

(2) Aspects of the discipline of marriage, family, and child counseling in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding, or the practice, of marriage, family, and child counseling.

(h) A system of continuing education for licensed marriage, family, and child counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(i) The board shall submit a report to the Legislature no later than January 1, 2001, evaluating the progress of continuing education required by this section, and making recommendations therefor.

(j) On and after January 1, 1997, the board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet but shall not exceed the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.

(k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

Leg.H. (Amended by Stats. 1987, ch. 738, sec. 9; Stats. 1995, ch. 839, sec. 2, Stats. 1997, ch 196, sec. 2)

## **§4980.55. STATEMENTS OF EXPERIENCE, EDUCATION, SPECIALTIES, ETC.**

As a model for all therapeutic professions, and to acknowledge respect and regard for the consuming public, all marriage, family, and child counselors are encouraged to provide to each client, at an appropriate time and within the context of the psychotherapeutic relationship, an accurate and informative statement of the therapist's experience, education, specialties, professional orientation, and any other information deemed appropriate by the licensee.

Leg.H. (Added by Stats. 1986, ch. 1365, sec. 4.)

## **§4980.57. CONTINUING EDUCATION FOR SPOUSAL OR PARTNER ABUSE**

Leg.H. (Stats. 1993, ch. 1234.)

1993 Note: The conditions described in subsection (c) of this section were not met, and consequently §4980.57 is not currently operative.

## **§4980.60. RULES AND REGULATIONS**

The board may adopt those rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The adoption, amendment, or repeal of those rules and regulations shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

The board may, by rules or regulations, adopt, amend, or repeal rules of advertising and professional conduct appropriate to the establishment and maintenance of a high standard of integrity in the profession, provided such rules or regulations are not inconsistent with Section 4982. Every person who holds a license to practice marriage, family, and child counseling shall be governed by such rules of professional conduct.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4980.70. ADDITIONAL PERSONNEL**

Except as provided by Section 159.5, the board may employ whatever additional personnel is necessary to carry out the provisions of this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4980.80. RECIPROCITY; EQUIVALENT REQUIREMENTS; PAYMENT OF FEES; FURTHER CONDITIONS**

The board may issue a license to any person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter and the person successfully completes the written and oral licensing examinations administered in this state and pays the fees specified. Issuance of the license is further conditioned upon the person's completion of the following coursework or training:

(a) A two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors which shall include areas of study as specified in Section 4980.41.

(b) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(c) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25, and any regulations promulgated thereunder.

(d) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(e) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other requirements for licensure or in a separate course.

(f) With respect to human sexuality and alcoholism and other chemical substance dependency, the board may accept training or coursework acquired out of state.

Leg.H. (Amended by Stats. 1987, ch. 738, sec.10; Stats 1996, ch. 739, sec.2 ; Stats. 1998, ch. 879, sec 5)

## **§4980.90. EXAMINATION; PERSONS WITH EDUCATION AND EXPERIENCE WHILE RESIDING OUTSIDE OF CALIFORNIA**

(a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter provided that the applicant has gained a minimum of 250 hours of supervised



experience in direct counseling within California while registered as an intern with the board.

(b) Education gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, provided that the applicant has completed all of the following:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors which shall include areas of study as specified in Section 4980.41.

(2) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(3) A minimum of 10 contact hours of training or coursework in sexuality as specified in Section 25, and any regulations promulgated thereunder.

(4) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(5) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other educational requirements for licensure or in a separate course.

(6) With respect to human sexuality and alcoholism and other chemical substance dependency, the board may accept training or coursework acquired out of state.

(c) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant has been granted a degree in a single integrated program primarily designed to train marriage, family, and child counselors and if the applicant's education meets the requirements of Sections 4980.37 and 4980.40 provided, however, that the degree title and number of units in the degree program need not be identical to those required by subdivision (a) of Section 4980.40. Where the applicant's degree does not contain the number of units required by subdivision (a) of Section 4980.40, the board may, in its discretion, accept the applicant's education as substantially equivalent if the applicant's degree otherwise complies with this section and the applicant completes the units required by subdivision (a) of Section 4980.40.

Leg.H. (Amended by Stats. 1989, ch. 772, sec. 5; Stats. 1994, ch. 26, effective March 30, 1994; Stats. 1998, ch. 879, sec 6.)

## **§4981. APPLICATION OF ARTICLE**

This article applies to licenses to engage in the business of marriage, family, and child counseling, and does not apply to the licenses provided for in Article 5 (commencing with Section 4986) except that the board shall have all powers provided in this article not inconsistent with this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **ARTICLE 2. DENIAL, SUSPENSION, AND REVOCATION**

## **§4982. UNPROFESSIONAL CONDUCT**

The board may refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may

decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing any such person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4211, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage, family, and child counseling services.

(d) Gross negligence or incompetence in the performance of marriage, family, and child counseling.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage, family, and child counselor.

(l) Performing, or holding one's self out as being able to perform, or offering to perform, or permitting any registered trainee or registered intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner which is false, misleading, or deceptive.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of any registered intern or registered trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding one's self out as being able to perform, professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a registered trainee or registered intern under one's supervision or control to perform, or permitting the registered trainee or registered intern to hold one's self out as competent to perform, professional services beyond the registered trainee's or registered intern's level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

Leg.H. (Amended by Stats. 1989, ch. 772, sec. 6; Stats. 1992, ch. 890; Stats. 1993, ch. 1054; Stats. 1999, ch. 657, sec. 3.)

## **§4982.1. MENTAL ILLNESS OR CHEMICAL DEPENDENCY; GROUNDS FOR REFUSAL TO LICENSE OR REGISTER**

The board may refuse to issue any registration or license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant to this section. Leg.H. (Repealed by Stats. 1986, ch. 1365, sec. 3.; added by Stats. 1992, ch. 384.)

## **§4982.2. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY; NOTICE; CONTENT; HEARING**

(a) A licensed marriage, family, and child counselor, licensed clinical social worker, or educational psychologist whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board, or any portion of it, is stayed by the board itself, or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) At least three years for reinstatement of a license which was revoked for unprofessional conduct, except that the board may, in its sole discretion at the time of adoption, specify in its order that a petition for reinstatement may be filed after two years.

(2) At least two years for early termination of any probation period of three years, or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or

termination of probation of less than three years.

(b) The petition may be heard by the board itself, or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code. The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition. The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

(c) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate.

(d) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4982.15. Where a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board.

(e) The board may take such action with respect to the proposed decision and petition as it deems appropriate.

(f) The petition shall be on a form provided by the board, and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order.

(g) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to such a release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(h) The petition shall be verified by the petitioner, who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(i) The board may delegate to its executive officer authority to order investigation of the contents of the petition, but in no case, may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(j) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(k) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or subject to an order of registration as a mentally disordered sex offender pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(l) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

Leg.H. (Stats. 1994, ch. 26, sec. 185, effective March 30, 1994.)

### **§4982.3. PROCEDURE**

The proceedings conducted under this article shall be held in accordance with Chapter 5 (commencing with Section 11500) of

## **§4982.05. ENFORCEMENT STATUTE OF LIMITATIONS**

(a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

Leg.H. (Added by Stats. 1999, ch. 459, sec. 2.)

## **UNCODIFIED LAW RELATING TO SECTION 4982.05**

This act shall apply to all accusations filed on or after January 1, 2000.

Leg.H. (Added by Stats. 1999, ch. 459, sec. 4.)

## **§4982.15. PLACING OF LICENSE OR REGISTRATION ON PROBATION; CIRCUMSTANCES**

(a) The board may place a license or registration on probation under the following circumstances:

(1) In lieu of, or in addition to, any order of the board suspending or revoking the license or registration of any licensee or intern.

(2) Upon the issuance of a license to an individual who has been guilty of unprofessional conduct, but who had otherwise completed all education and training and experience required for licensure.

(3) As a condition upon the reissuance or reinstatement of any license that has been suspended or revoked by the board.

(b) The board may adopt regulations establishing a monitoring program to ensure compliance with any terms or conditions of probation imposed by the board pursuant to subdivision (a). The cost of probation or monitoring may be ordered to be paid by the licensee, registrant, or applicant.

(c) The board, in its discretion, may require any licensee or registrant who has been placed on probation, or whose license or registration has been suspended, to obtain additional professional training, and to pass an examination upon completion of that training, and to pay any necessary examination fee. The examination may be written, oral, or a practical or clinical examination.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; amended Stats. 1994, ch. 26, sec. 184, effective March 30, 1994.)

## **§4982.25. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION; GROUNDS**

The board may deny any application, or may suspend or revoke any license or registration issued under this chapter, for any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or

territory or possession of the United States, or by any other governmental agency, on a license, certificate, or registration to practice marriage, family, and child counseling, or any other healing art, shall constitute unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a clinical social worker or educational psychologist shall also constitute grounds for disciplinary action for unprofessional conduct against the licensee or registrant under this chapter.

Leg.H. (Amended by Stats. 1987, ch. 738, sec. 13; Stats. 1992, ch. 384, sec 5; Stats. 1998, ch. 879, sec 7.)

## **§4982.26. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION**

Notwithstanding Section 4982, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 729, when that act is with a patient, or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

Leg.H. (Stats. 1994, ch. 1274.)

## **ARTICLE 3. PENALTIES**

### **§4983. VIOLATION; MISDEMEANOR; PUNISHMENT**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

#### **§4983.1. INJUNCTION**

In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **ARTICLE 4. REVENUE**

### **§4984. EXPIRATION OF LICENSES; RENEWAL OF UNEXPIRED LICENSES**

Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board in a manner as to best distribute the renewal work throughout each year.

To renew an unexpired license, the holder thereof, on or before the expiration date of the license, shall apply for a renewal on a form prescribed by the board, and pay a two-year renewal fee prescribed by the board.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

#### **§4984.1. RENEWAL OF EXPIRED LICENSES**

A license that has expired may be renewed at any time within five years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the

license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; Amended by Stat.s. 1998, ch. 879, sec 8. )

## **§4984.2. RENEWAL OF SUSPENDED LICENSE; EFFECT OF RENEWAL**

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4984.3. REVOKED LICENSE; REINSTATEMENT AFTER EXPIRATION**

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4984.4. TIME LIMIT FOR RENEWAL AFTER EXPIRATION; NEW LICENSE**

A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the licensee may apply for and obtain a new license if:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
- (b) He or she pays the fees that would be required if he or she were applying for a license for the first time.
- (c) He or she takes and passes the current licensing examinations.

Leg.H. (Amended by Stats. 1987, ch. 738, sec. 14; Stats. 1998, ch. 879 sec 9.)

## **§4984.5. REPORT AND PAYMENT OF REVENUE**

The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Behavioral Sciences Fund. Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4984.6. BOARD TO BE APPROPRIATED WITH FUNDS; RECORD; SURPLUSES**

(a) The Behavioral Sciences Fund is continuously appropriated, without regard to fiscal years, to the Board of Behavioral Sciences for carrying out and enforcing the provisions of this chapter.

(b) The board shall keep such records as will reasonably ensure that funds expended in the administration of each licensing or registration category shall bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

(c) Surpluses, if any, may be used in such a way so as to bear a reasonable relation to the revenue derived from each category, and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4984.7. FEE SCHEDULE**

The amount of the fees prescribed by this chapter that relate to licensing of persons to engage in the business of marriage,

family and child counseling is that established by the following schedule:

- (a) The fee for applications for examination received on or after January 1, 1987, shall be one hundred dollars (\$100).
- (b) The fee for issuance of the initial license shall be a maximum of one hundred eighty dollars (\$180).
- (c) For those persons whose license expires on or after January 1, 1996, the renewal fee shall be a maximum of one hundred eighty dollars (\$180).
- (d) The delinquency fee shall be ninety dollars (\$90). Any person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all outstanding delinquency fees.
- (e) For those persons registering as interns on or after January 1, 1996, the registration fee shall be ninety dollars (\$90).
- (f) For those persons whose registration as an intern expires on or after January 1, 1996, the renewal fee shall be seventy-five dollars (\$75).
- (g) The written examination fee shall be one hundred dollars (\$100). After successfully passing the written examination, each applicant for oral examination shall submit two hundred dollars (\$200). Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid.
- (h) An applicant who fails any written or oral examination may within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of one hundred dollars (\$100) for the written reexamination and two hundred dollars (\$200) for the oral reexamination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Persons failing to appear for the reexamination, once having been scheduled, shall forfeit any reexamination fees paid.
- (i) The fee for rescoring a written examination shall be twenty dollars (\$20). The fee for appeal of an oral examination shall be one hundred dollars (\$100).
- (j) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).
- (k) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

Leg.H. (Amended by Stats. 1990, ch. 547, sec. 1; Stats. 1995, ch. 839, sec. 2.5; Stats. 1998, ch. 879, sec 10.)

## **§4984.8. INACTIVE LICENSE**

A licensed marriage, family and child counselor may apply to the board to request that his or her license be placed on inactive status. Licensees who hold an inactive license shall pay a biennial fee of half of the active renewal fee. Licensees holding an inactive license shall be exempt from continuing education requirements specified in Section 4980.54, but shall otherwise be subject to this chapter and shall not engage in the practice of marriage, family and child counseling in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed any required continuing education equivalent to that required for a single renewal period may, upon their request, have their license to practice marriage, family and child counseling placed on active status. Licensees requesting their license be placed on active status at any time between a renewal cycle shall pay the remaining half of their renewal fee.

Leg.H. (Added by Stats. 1998, ch. 879, sec 11.)

## **§4984.9 LICENSEE OR REGISTRANT NAME CHANGE**

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving



both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

Leg H. (Added by Stats. 1999, ch. 655, sec. 85.)

## **ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS**

### **§4986. PRACTICE BY LICENSEES**

Persons licensed under this article by the board may practice pursuant to this article.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.10. PROFESSIONAL FUNCTIONS AUTHORIZED**

A licensed educational psychologist shall be authorized to perform any of the following professional functions pertaining to academic learning processes or the educational system or both:

(a) Educational evaluation, diagnosis, and test interpretation limited to assessment of academic ability, learning patterns, achievement, motivation, and personality factors directly related to academic learning problems.

(b) Counseling services for children or adults for amelioration of academic learning problems.

(c) Educational consultation, research, and direct educational services.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.20. QUALIFICATIONS FOR LICENSE**

A person who desires a license under this article shall meet all of the following qualifications:

(a) He or she shall possess at least a master's degree in psychology, educational psychology, school psychology, or counseling and guidance, or a degree deemed equivalent by the board under regulations duly adopted under this article. Such degree or training shall be obtained from educational institutions approved by the board according to the regulations duly adopted under this article.

(b) He or she shall be at least 18 years of age.

(c) He or she shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of any crime in the United States that involves sexual abuse of children or who has been ordered to register as a mentally disordered sex offender or the equivalent in another state or territory.

(d) He or she shall have successfully completed 60 semester hours of postgraduate work devoted to pupil personnel services or have experience deemed equivalent by the board in regulations duly adopted under this chapter.

(e) He or she shall furnish proof of three years of full-time experience as a credentialed school psychologist in the public schools or experience which the board deems equivalent. If the applicant provides proof of having completed one year's internship working full time as a school psychologist intern in the public schools in an accredited internship program, one year's experience shall be credited toward this requirement.

(f) He or she shall furnish written statements from two sponsors having personal knowledge of his or her professional competence. These statements shall include a description of the applicant's functioning and evaluation of his or her professional competencies. The sponsor of this applicant shall be qualified to be a licensed educational psychologist under this article.

(g) He or she shall be examined by the board with respect to the professional functions authorized by this article.

(h) He or she shall have at least one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist, or such suitable alternative experience as determined by the board in regulations duly adopted under this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; amended Stats. 1994, ch. 474.)

### **§4986.30. CONTINUING EDUCATION PROGRAM**

The board may, in its discretion, provide for a continuing education program in connection with the professional functions and courses described in this article.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.40. ISSUANCE OF LICENSE**

The board shall issue an educational psychologist license to all applicants who meet the requirements of this article and who pay the board the fees required by this chapter.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.41. DISPLAY OF LICENSE**

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

Leg.H. (Added by Stats. 1998, ch. 879, sec 12.)

### **§4986.50. USE OF TITLE BY PERSONS NOT LICENSED; PROHIBITION**

It is unlawful for any person to use any title or letters which imply that he or she is a licensed educational psychologist unless at the time of so doing he or she holds a valid, unexpired and unrevoked license issued under this article.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.60. SECTIONS APPLICABLE TO ARTICLE**

The provisions of Sections 4984 to 4984.40, inclusive, shall apply to this article.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4986.70. REFUSAL TO ISSUE, OR SUSPENSION OR REVOCATION OF LICENSE; UNPROFESSIONAL CONDUCT**

The board may refuse to issue a license, or may suspend or revoke the license of any licensee if he or she has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes, but is not limited to, the following:

(a) Conviction of a crime substantially related to the qualifications, functions and duties of an educational psychologist, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit.

(c) Using any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any hypnotic drug or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person, or to the public and to an extent that such action impairs his or her ability to perform his or her work as a licensed educational psychologist with safety to the public.

(d) Improper advertising.

(e) Violating or conspiring to violate the terms of this article.

(f) Committing a dishonest or fraudulent act as a licensed educational psychologist resulting in substantial injury to another.

(g) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency, on a license, certificate, or registration to practice educational psychology or any other healing art, shall constitute unprofessional conduct. A certified copy of the disciplinary action, decision, or judgment shall be conclusive evidence of that action.

(h) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a clinical social worker or marriage, family and child counselor shall constitute grounds for disciplinary action for unprofessional conduct against the licensee or registrant under this chapter.

(i) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; Amended by Stats. 1998, ch. 879, sec 13.; Stats. 1999, ch. 657, sec. 4.)

#### **§4986.71. DECISION CONTAINING FINDING THAT LICENSEE ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION**

The board shall revoke any license issued under this chapter upon a decision made in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in Section 729, when that act is with a patient, or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

Leg.H. (Stats. 1994, ch. 1274.)

#### **§4986.75. MENTAL ILLNESS OR CHEMICAL DEPENDENCY; GROUNDS FOR REFUSAL TO LICENSE**

The board may refuse to issue any license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license pursuant to this section.

Leg.H. (Stats. 1992, ch. 384.)

#### **§4986.80. FEE SCHEDULE**

The amount of the fees prescribed by this chapter that relate to the licensing of educational psychologists is that established by the following schedule:

(a) Persons applying for an original license after July 1, 1986, shall pay an application fee of one hundred dollars (\$100).

(b) The fee for issuance of the initial license shall be a maximum of one hundred fifty dollars (\$150).

(c) Persons whose license expires after January 1, 1991, shall pay a renewal fee of a maximum of one hundred fifty dollars (\$150).

(d) The delinquency fee shall be seventy-five dollars (\$75). Any person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.

(e) The written examination fee shall be one hundred dollars (\$100). After successfully passing the written examination,

each applicant for oral examination shall submit two hundred dollars (\$200). Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid.

(f) The fee for each reexamination shall be the fee for each examination specified in subdivision (e). An applicant who has failed the written or oral examination may within one year from the notification date of failure, retake that examination as regularly scheduled without further application. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Persons failing to appear for reexamination, once having been scheduled, shall forfeit any reexamination fees paid.

(g) The fee for rescoring a written examination shall be twenty dollars (\$20). The fee for appeal of an oral examination shall be one hundred dollars (\$100).

(h) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).

(i) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

Leg.H. (Amended by Stats. 1990, ch. 547, sec. 2; Stats. 1995, ch. 839, sec. 3; Stats. 1998, ch. 879, sec 14.)

## **§4986.81. VIOLATIONS; MISDEMEANOR**

Any person who violates any of the provisions of this article is guilty of a misdemeanor.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4986.82. INACTIVE LICENSE**

A licensed educational psychologist may apply to the board to request that his or her license be placed on inactive status. Licensees who hold an inactive license shall pay a biennial fee of half of the active renewal fee. Licensees shall be subject to this chapter and shall not engage in the practice of educational psychology in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure may, upon their request, have their license to practice educational psychology placed on active status. Licensees requesting their license be placed on active status between renewal cycles shall pay the remaining half of their renewal fee.

Leg.H. (Added by Stats. 1998, ch. 879, sec 15.)

## **§4986.90. INJUNCTION**

In addition to other proceedings provided for in this article, whenever any person has engaged, or is about to engage in any acts or practices which constitute, or will constitute, an offense against this article, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining that conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **§4987. RULES OF PROFESSIONAL CONDUCT**

The board may, by rules or regulations, adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession, provided those rules or regulations are not inconsistent with Section 4986.70. Every person licensed under this article shall be governed by those rules of professional conduct.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

## **ARTICLE 6. MARRIAGE, FAMILY, AND CHILD COUNSELING CORPORATIONS**

### **§4987.5. DEFINITION**

A marriage, family, and child counseling corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are marriage, family, and child counselors, physicians and surgeons, psychologists, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a marriage, family, and child counseling corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.; Amended by Stats. 1999, ch. 657, sec. 5. )

### **§4987.6. UNPROFESSIONAL CONDUCT**

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act (Part 4(commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulations duly adopted under those laws.

Leg.H. (Added by Stats. 1999, ch. 657, sec. 7.)

### **§4987.7. NAME**

The name of a marriage, family, and child counseling corporation shall contain one or more of the words "marriage," "family," and "child" together with one or more of the words "counseling", "counselor," or "therapist", and wording or abbreviations denoting corporate existence. A marriage, family, and child counseling corporation that conducts business under a fictitious business name shall not use any name which is false, misleading or deceptive, and shall inform the patient, prior to the commencement of treatment, that the business is conducted by a marriage, family, and child counseling corporation.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4; amended and renumbered by Stats. 1999, ch. 657, sec. 9)

### **§4987.8. DIRECTORS, SHAREHOLDERS AND OFFICERS; NECESSITY OF LICENSE**

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a marriage, family, and child counseling corporation shall be a licensed person as defined in the Moscone-knox Professional Corporation Act.

Leg.H. (Amended by Stats. 1988, ch. 864, sec. 2; Amended and renumbered by Stats. 1999, ch. 657, Sec. 10)

### **§4988. INCOME FOR PROFESSIONAL SERVICES NOT TO ACCRUE TO DISQUALIFIED SHAREHOLDERS**

The income of a marriage, family, and child counseling corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his or her shares in the marriage, family, and child counseling corporation.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4.)

### **§4988.1. CORPORATE UNPROFESSIONAL CONDUCT**

A marriage, family, and child counseling corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license as a marriage, family, and child counselor.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4, amended by Stats. 1999, ch. 657, sec. 11)

## **§4988.2. RULES AND REGULATIONS**

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a marriage, family, and child counseling corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a marriage, family, and child counseling corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

Leg.H. (Repealed and added by Stats. 1986, ch. 1365, sec. 4., amended by Stats. 1999, ch. 657, sec. 12)

## **ARTICLE 7. REVIEW**

### **§4989. POWERS AND DUTIES OF BOARD; DATE OF REVIEW**

The powers and duties of the board, as set forth in this chapter, shall be subject to the review required by Division 1.2 (commencing with Section 473). The first review shall be performed as if this chapter were scheduled to become inoperative on July 1, 2005, and would be repealed as of January 1, 2006, as described in Section 473.1.

Leg.H. (Added by Stats. 1994, ch. 908, sec 37; Amended by Stats. 1998, 589, sec 11.)

## **CHAPTER 14. SOCIAL WORKERS**

### **ARTICLE 1. ADMINISTRATION**

### **§4990. CHAPTER CONSTITUTES CHAPTER ON SOCIAL WORKERS; LIBERAL CONSTRUCTION**

This chapter of the Business and Professions Code constitutes the chapter on social workers. It is to be liberally construed to effect its objectives.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4990.1. BOARD OF BEHAVIORAL SCIENCES; NUMBER OF MEMBERS**

There is in the Department of Consumer Affairs a Board of Behavioral Sciences which consists of 11 members.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Amended by Stats. 1994, ch. 908, sec 38; Stats. 1996, ch. 829, sec 90; Stats 1998, ch. 589, sec 12.)

### **§4990.2. BOARD OF SOCIAL WORK EXAMINERS OR SOCIAL WORKER AND MARRIAGE COUNSELOR QUALIFICATIONS BOARD TO MEAN BOARD OF BEHAVIORAL SCIENCES**

Wherever "Board of Social Work Examiners of the State of California" or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the Board of Behavioral Sciences.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4990.3. QUALIFICATIONS OF MEMBERS**

Two members of the board shall be state-licensed clinical social workers, one shall be a licensed educational psychologist, two shall be state-licensed marriage, family and child counselors, and six shall be public members. Each member, except the six public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his or her profession.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4990.4. APPROVED SCHOOL OF SOCIAL WORK**

"Approved school of social work," within the meaning of this chapter, is a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

Leg.H. (Stats. 1985, ch. 820; Stats. 1992, ch. 1308.)

### **§4990.5. TERM OF OFFICE; VACANCIES; APPOINTMENT**

Each member of the board, except the members first appointed, shall be appointed for a term of four years and shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint four of the public members and the five licensed members qualified as provided in Section 4990.3 with the advice and consent of the Senate. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; amended by Stats. 1999, ch. 655, sec. 86.)

### **§4990.6. CHAIRPERSON AND VICE CHAIRPERSON**

Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4990.7. EXECUTIVE OFFICERS; APPOINTMENT; QUALIFICATIONS**

The board shall appoint an executive officer, which position is hereby designated as a confidential position and exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

The executive officer shall have the same qualifications required of a member of the board, and shall serve at its pleasure.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4990.8. EXECUTIVE OFFICER; POWERS AND DUTIES**

The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Amended by Stats. 1994, ch. 908, sec 39; Stats. 1998, ch. 589, sec 13.)

### **§4990.9. COMPENSATION**

With the approval of the Director of Consumer Affairs, the board shall fix the salary of the executive officer.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.10. EMPLOYEES**

Subject to the State Civil Service Act and Section 159.5, the board may employ such clerical, technical, and other assistants as it deems necessary, within budget limitations.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.11. RECORD OF PROCEEDINGS; REGISTER OF APPLICANTS AND LICENSEES**

The board shall keep an accurate record of all of its proceedings and a register of all applicants for licenses and of all individuals to whom a license as a licensed clinical social worker is issued. Leg.H.

(Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.12. RESEARCH AND STUDIES**

The board may conduct research in, and make studies of problems involved in, the maintaining of professional standards among those engaged in social service work in California and may publish its recommendations thereon.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.13. DUTY OF ENFORCEMENT OF CHAPTER; POWERS OF BOARD AND EXECUTIVE DIRECTOR**

The duty of enforcing this chapter is vested in the board and the executive officer subject to and under the direction of the board.

In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in and imposed upon the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.14. RULES AND REGULATIONS**

The board may make such rules and regulations as may be necessary for the enforcement of this chapter and may by rule and regulation prescribe the qualifications for licensure.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.15. SEAL**

The board shall have and use a seal bearing the words "The Board of Behavioral Sciences," and shall otherwise conform to Section 107.5.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.16. MEMBERS OF BOARD; PER DIEM AND EXPENSES**

Each member of the board shall receive a per diem and expenses as provided in Section 103.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4990.17. UNPROFESSIONAL CONDUCT PROCEEDINGS; ORDER FOR RECOVERY OF COSTS; ENFORCEMENT; PROOF OF VALIDITY AND TERMS OF PAYMENT; CONDITIONS FOR RENEWAL OR REINSTATEMENT; DEPOSIT OF COSTS**

Leg.H. Added by Stats. 1991, ch. 525, sec. 1. and repealed 1996 , ch. 829



## **ARTICLE 2. APPLICATION OF CHAPTER**

### **§4992. LICENSE APPLICATION; FEES**

Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application received after January 1, 1988, shall also be accompanied by the examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to the examination.

Leg.H. (Amended by Stats. 1987, ch. 826, sec. 1.)

### **§4992.1. ELIGIBILITY FOR EXAMINATION**

Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take the examination.

Every applicant who is issued a clinical social worker license shall be examined by the board.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT**

The board may refuse to issue a registration or a license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4211, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Gross negligence or incompetence in the performance of clinical social work.

- (e) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (l) Performing, or holding one's self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker or intern under supervision to perform any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner which is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered associate clinical social worker or intern by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

Leg.H. (Amended by Stats. 1988, ch. 1091, sec. 2; Stats. 1993, ch. 758, operative January 1, 1995; Stats. 1999, ch. 657, sec. 14.)

#### **§4992.4. CONDUCT OF PROCEEDINGS**

The proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4992.5. TIME AND PLACE OF EXAMINATIONS**

Examinations may be held at those times and places as the board may determine. However, one examination shall be held during each calendar year.

The board may make arrangements with organizations furnishing examination materials as it may deem desirable.

Leg.H. (Amended by Stats. 1987, ch. 826, sec. 4.)

#### **§4992.6. BLIND PERSON; ACCEPTANCE IN SCHOOLS AS A LICENSEE**

No blind person shall be denied admission to any school of social work, training, or admission to any examination, or denied a license as a licensed clinical social worker, on the ground that he or she is blind.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4992.7. FALSE STATEMENTS OR IMPERSONATION IN CONNECTION WITH APPLICATION OR EXAMINATION; MISDEMEANOR**

Every person who willfully makes any false statement or who impersonates any other person or permits or aids any other person to impersonate him or her in connection with any application or examination is guilty of a misdemeanor.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4992.8. LICENSEE OR REGISTRANT NAME CHANGE**

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

Leg.H. (Added by Stats. 1999, ch. 655, sec. 87.)

#### **§4992.31. ENFORCEMENT STATUTE OF LIMITATIONS**

(a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

Leg.H. (Added by Stats. 1999, ch. 459, sec. 3.)

## **UNCODIFIED LAW RELATING TO SECTION 4992.31**

This act shall apply to all accusations filed on or after January 1, 2000.  
Leg.H. (Added by Stats. 1999, ch. 459, sec. 4.)

### **§4992.33. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION**

Notwithstanding Section 4992.3, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 729, when that act is with a patient, or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

Leg.H. (Stats. 1994, ch. 1274.)

### **§4992.35. MENTAL ILLNESS OR CHEMICAL DEPENDENCY; GROUNDS FOR REFUSAL TO LICENSE OR REGISTER**

The board may refuse to issue any registration or license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant to this section. Leg.H. (Stats. 1992, ch. 384.)

### **§4992.36. DISCIPLINARY ACTION BY ANOTHER LICENSING BOARD; GROUND FOR APPLICATION DENIAL OR LICENSE OR REGISTRATION SUSPENSION OR REVOCATION**

The board may deny any application, or may suspend or revoke any license or registration issued under this chapter, for any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory of the United States, or by any other governmental agency, on a license, certificate, or registration to practice clinical social work or any other healing art shall constitute grounds for disciplinary action for unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice marriage, family, and child counseling, or educational psychology against a licensee shall also constitute grounds for disciplinary action for unprofessional conduct under this chapter.

Leg.H. (Added by Stats. 1994, ch. 474, sec 3; Amended by Stats. 1998, ch. 879, sec 16.)

## **ARTICLE 3. REVENUE**

### **§4994. BEHAVIORAL SCIENCES FUND; EXPENDITURES**

Notwithstanding Section 13340 of the Government Code and except as provided in Section 4984.6, all moneys in the Behavioral Sciences Fund are continuously appropriated to the board, to be expended by it for the purposes of the programs under its jurisdiction.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4994.1. BEHAVIORAL SCIENCES FUND; REDUCTION OF FEES**

If those moneys transferred from the Behavioral Sciences Fund to the General Fund pursuant to the 1991 Budget Act are redeposited to the Behavioral Sciences Fund, the fees assessed by the board shall be reduced correspondingly.

Leg.H. (Added by Stats. 1995, ch. 839, sec. 4.)

## ARTICLE 4. CLINICAL SOCIAL WORKERS

### **§4996. NECESSITY OF LICENSE; UNAUTHORIZED REPRESENTATION AS LICENSEE; MISDEMEANOR**

Only individuals who have received a license under this article may style themselves as "Licensed Clinical Social Workers." Every individual who styles himself or herself or who holds himself or herself out to be a licensed clinical social worker, or who uses any words or symbols indicating or tending to indicate that he or she is a licensed clinical social worker, without holding his or her license in good standing under this article, is guilty of a misdemeanor.

It is unlawful for any person to engage in the practice of clinical social work unless at the time of so doing such person holds a valid, unexpired, and unrevoked license under this article.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4996.1. ISSUANCE OF LICENSE**

The board shall issue a licensed clinical social worker license to each applicant who qualifies therefor, and if required to take it, successfully passes the examination given pursuant to this article.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4996.2. QUALIFICATIONS OF LICENSEES**

Each applicant shall furnish evidence satisfactory to the board that he or she complies with all of the following requirements:

- (a) Is at least 21 years of age.
- (b) Has received a master's degree from an accredited school of social work.
- (c) Has had two years of supervised post-masters degree experience, as specified in Section 4996.20.
- (d) Has not committed any crimes or acts constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of any crime in the United States that involves sexual abuse of children or who has been ordered to register as a mentally disordered sex offender or the equivalent in another state or territory.
- (e) Has completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after January 1, 1986.
- (f) Has completed instruction and training in spousal or partner abuse assessment, detection, and intervention. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement applies only to applicants who begin graduate training on or after January 1, 1995. This requirement for coursework in spousal or partner abuse detection and treatment shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

Leg.H. (Amended by Stats. 1988, ch. 1091, sec. 3; Stats. 1993, ch. 1234; Stats. 1994, ch. 474.)

### **§4996.3. APPLICATION AND EXAMINATION FEES; DEPOSIT**

- (a) Each application for written examination received on or after January 1, 1999, shall be accompanied by an application fee of one hundred dollars (\$100) and a fee of up to one hundred fifty dollars (\$150), including the examination fee and related administrative costs for the written examination. After successfully passing the written examination, each applicant shall submit two hundred dollars (\$200) for the oral examination. Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid.

(b) The fee for rescoring a written examination shall be twenty dollars (\$20). The fee for an appeal of an oral examination shall be one hundred dollars (\$100).

(c) The fee for issuance of the initial license shall be a maximum of one hundred fifty-five dollars (\$155).

(d) With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

Leg.H. (Amended by Stats. 1990, ch. 547, sec. 3; Stats. 1995, ch. 839, sec. 4.5; Stats. 1996, ch. 829, sec 95; Stats. 1998, ch. 879, sec 17.)

#### **§4996.4. FEE FOR REEXAMINATION**

Notwithstanding Section 4996.3, an applicant who has failed the written examination may apply for reexamination upon payment of the fee of up to one hundred fifty dollars (\$150) including the examination fee and related administrative costs and an applicant who has failed the oral examination may apply for reexamination upon payment of the fee of two hundred dollars (\$200). An applicant who fails any written or oral examination may within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Applicants failing to appear for reexamination, once having been scheduled, shall forfeit any reexamination fees paid.

Leg.H. (Amended by Stats. 1990, ch. 547, sec. 4; Stats. 1995, ch. 839, sec. 5; Stats. 1998, ch. 879, sec 18.)

#### **§4996.5. SCOPE, FORM AND CONTENT OF LICENSE**

The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees have been paid, licenses the holder to engage in the practice of clinical social work as defined in Section 4996.9, entitles the holder to use the title of licensed clinical social worker, and authorizes the holder to hold himself or herself out as qualified to perform any of the functions delineated by this chapter. The form and content of the license shall be determined by the director in accordance with Section 164.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4996.6. RENEWAL AND DELINQUENCY FEES; RESTORATION OF DELINQUENT LICENSE; DUPLICATE REGISTRATION, LICENSE OR CERTIFICATE FEES; CERTIFICATE OR LETTER OF GOOD STANDING FEES**

(a) The renewal fee for licenses that expire on or after January 1, 1996, shall be a maximum of one hundred fifty-five dollars (\$155) and shall be collected on a biennial basis by the board in accordance with Section 152.6. The fees shall be deposited in the State Treasury to the credit of the Behavioral Sciences Fund.

(b) If the license is renewed after its expiration, the licensee shall, as a condition precedent to renewal, also pay a delinquency fee of seventy-five dollars (\$75).

Any person who permits his or her license to become delinquent may have it restored at any time within five years after its expiration upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of all delinquency fees.

A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, however the licensee may apply for and obtain a new license if:

- (1) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
- (2) He or she pays the fees that would be required if he or she were applying for a license for the first time.
- (3) He or she takes and passes the current licensing examinations.

(c) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).

(d) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

Leg.H. (Amended by Stats. 1990, ch. 547, sec. 5; Stats. 1995, ch. 839, sec. 6; Stats. 1996, ch. 829, sec 96; Stats. 1998, ch. 879, sec 19.)

#### **§4996.7. DISPLAY OF LICENSE**

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Stats. 1998, ch. 879, sec 20.)

#### **§4996.8. DISPLAY OF CURRENT RENEWAL RECEIPT**

The current renewal receipt shall be displayed near the license.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.; Amended by Stats. 1999, ch. 655, sec. 88.)

#### **§4996.9. CLINICAL SOCIAL WORK AND PSYCHOTHERAPY DEFINED**

The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying, and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services; or doing research related to social work.

Psychotherapy, within the meaning of this chapter, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes. Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4996.10. APPLICATION OF ARTICLE ONLY TO CLINICAL SOCIAL WORKERS**

The provisions of this article shall be construed only as provisions relating to the examination and licensing of clinical social workers. Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4996.11. SUSPENSION OR REVOCATION OF LICENSE; GROUNDS; CONDUCT OF PROCEEDINGS**

The board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4996.12. VIOLATIONS; PENALTIES**

Any person who violates this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding a period of six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4996.13. OTHER PROFESSIONAL GROUPS; WORK OF PSYCHOSOCIAL NATURE; IMPERMISSIBLE REPRESENTATIONS**

Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

- (a) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).
- (b) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
- (c) Members of the State Bar of California.
- (d) Marriage, family, and child counselors licensed pursuant to Chapter 13 (commencing with Section 4980).
- (e) A priest, rabbi, or minister of the gospel of any religious denomination.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

### **§4996.14. EMPLOYEES OF CERTAIN ORGANIZATIONS; ACTIVITIES OF PSYCHOSOCIAL NATURE OR USE OF OFFICIAL TITLE OF POSITION**

Nothing in this chapter shall restrict or prevent activities of a psychosocial nature or the use of the official title of the position for which they are employed on the part of the following persons, if those persons are performing those activities as part of the duties for which they are employed or solely within the confines or under the jurisdiction of the organization in which they are employed. However, they shall not offer to render clinical social work services, as defined in Section 4996.9, to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed.

- (a) Persons employed by the United States Department of Health and Human Services.
- (b) Persons employed in family or children services agencies.
- (c) Individuals employed in proprietary or nonproprietary private psychiatric clinics.
- (d) Individuals employed in accredited colleges, junior colleges, or universities.
- (e) Individuals employed in federal, state, county or municipal governmental organizations, or nonprofit organizations which are engaged in research, education, and services which services are defined by a board composed of community representatives and professionals.
- (f) Persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)



#### **§4996.15. PERFORMANCE OF PSYCHOSOCIAL WORK BY PERSONS IN ACADEMIC INSTITUTIONS, GOVERNMENT AGENCIES OR NONPROFIT ORGANIZATIONS; SOCIAL WORK INTERN**

Nothing in this article shall restrict or prevent activities of a psychosocial nature on the part of persons employed by accredited academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or social work interns pursuing the course of study leading to a master's degree in social work in an accredited college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by such titles as social work interns, social work trainees, or other titles clearly indicating the training status appropriate to their level of training. The term "social work intern," however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.)

#### **§4996.16. PERSONS FROM OUT OF STATE; CLINICAL SOCIAL WORK SERVICES IN THIS STATE**

Nothing in this chapter shall apply to any clinical social worker from outside this state, when in actual consultation with a licensed practitioner of this state, or when an invited guest of a professional association, or of an educational institution for the sole purpose of engaging in professional education through lectures, clinics, or demonstrations, if he or she is at the time of the consultation, lecture, or demonstration licensed to practice clinical social work in the state or country in which he or she resides. These clinical social workers shall not open an office or appoint a place to meet clients or receive calls from clients within the limits of this state.

Leg.H. (Enacted Stats. 1985. Repealed Stats. 1994, ch. 26, sec. 186; added by Stats. 1994, ch. 26, sec. 187, effective March 30, 1994.)

#### **§4996.17. EXPERIENCE GAINED OUTSIDE CALIFORNIA; USE TOWARDS LICENSING REQUIREMENTS**

Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of requirements of this chapter. A person who qualifies for licensure based on experience gained outside California may apply for and receive an associate registration to practice clinical social work.

Leg.H. (Stats. 1994, ch. 26, effective March 30, 1994.)

#### **§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; APPLICATION; EXPIRATION AND RENEWAL; EMPLOYMENT; SUPERVISION; CREDIT**

(a) Any person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board and shall be accompanied by a fee of ninety dollars (\$90). An applicant for registration shall (1) possess a master's degree from an accredited school or department of social work; and (2) not have committed any crimes or acts constituting grounds for denial of licensure under Section 480. On and after January 1, 1993, an applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(b) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. A registration may be renewed annually after initial registration by filing an application for renewal and paying a renewal fee of seventy-five dollars (\$75) on or before the date on which the registration expires. Each person who registers or has registered as an associate clinical social worker, may retain that status for a total of six years.

(c) Notwithstanding the limitations on the length of an associate registration in subdivision (b), an associate may apply for, and the board shall grant, one-year extensions beyond the six-year period when no grounds exist for denial, suspension, or revocation of the registration pursuant to Section 480. An associate shall be eligible to receive a maximum of three one-year

extensions. An associate who practices pursuant to an extension shall not practice independently and shall comply with all requirements of this chapter governing experience, including supervision, even if the associate has completed the hours of experience required for licensure. Each extension shall commence on the date when the last associate renewal or extension expires. An application for extension shall be made on a form prescribed by the board and shall be accompanied by a renewal fee of fifty dollars (\$50). An associate who is granted this extension may work in all work settings authorized pursuant to this chapter.

(d) Experience gained before January 1, 1990, shall be credited toward the licensure requirements so long as the applicant applies for registration not later than December 31, 1989, and that registration is thereafter granted by the board.

(e) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee of the licensed person by whom the registrant is being supervised.

(f) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

(g) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(h) An applicant who possesses a master's degree from an approved school or department of social work shall be able to apply experience the applicant obtained during the time the approved school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.20. This subdivision shall apply retroactively to persons who possess a master's degree from an approved school or department of social work and who obtained experience during the time the approved school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(i) The board shall report to the Legislature on or before October 1, 1999, concerning its efforts to identify educational issues that relate to licensure.

Leg.H. (Amended by Stats. 1988, ch. 1091; Stats. 1992, ch. 1308, sec 2; Stats. 1995, ch. 839, sec. 7; Stats. 1998, ch. 589, sec 14.)

## **§4996.19. LICENSED CLINICAL SOCIAL WORKERS' CORPORATION; APPLICATION OF ARTICLE**

Nothing in this article shall prohibit the acts or practices of a licensed clinical social workers' corporation duly certificated pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and Article 5 (commencing with Section 4998), when the corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 5 (commencing with Section 4998); and (c) all other statutes and all rules and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

Leg.H. (Added by renumbering Section 4996.18 by Stats. 1987, ch. 826, sec. 8.)

## **§4996.20. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA PRIOR TO JANUARY 1, 1999**

The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:

(a) An applicant shall have at least 3,200 hours of post-master's experience, supervised by a licensed clinical social worker, in providing clinical social work services consisting of psychosocial diagnosis; assessment; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation as permitted by Section 4996.9. For persons applying for licensure on or after January 1, 1992, this experience shall have been gained in not less than two nor more than six years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed. The board may credit experience gained more than six years prior to the date on which an application was filed upon a showing of good cause or where the applicant is licensed and currently practicing in another state.

(b) Notwithstanding the requirements of subdivision (a) that 3,200 hours of experience shall be gained under the supervision of a licensed clinical social worker, up to 1,000 hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board.

For purposes of this section, "supervision" means responsibility for and control of the quality of social work services being provided. Consultation shall not be considered to be supervision. Supervision shall include at least one hour of direct supervision for each week of experience claimed. Not less than one-half of the hours of required supervision shall be individual supervision. The remaining hours may be group supervision. "Individual supervision" means one supervisor meets with one supervisee at a time. "Group supervision" means a supervisor meets with a group of no more than eight supervisees at a time.

(c) For purposes of this section, a "private practice setting" is any setting other than a governmental entity, a school, college or university, a nonprofit and charitable corporation or a licensed health facility. Employment in a private practice setting shall not commence until the applicant has been registered as an associate clinical social worker. A registrant employed in a private practice setting shall not:

- (1) Pay his or her employer for supervision, and shall receive fair remuneration from his or her employer.
- (2) Receive any remuneration from patients or clients and shall only be paid by his or her employer.
- (3) Perform services at any place except where the registrant's employer regularly conducts business.
- (4) Have any proprietary interest in the employer's business.

(d) A person employed in a setting other than a private practice setting may obtain supervision from a person not employed by the registrant's employer if that person has signed a written contract with the employer to take supervisory responsibility for the registrant's social work services.

(e) This section shall apply only to persons who apply for registration on or before December 31, 1998.  
Leg.H. (Amended by Stats. 1991, ch. 654, sec. 47.5; Stats. 1998, ch. 589, sec 15.)

## **§4996.21. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 1999**

The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:

(a) On or after January 1, 1999, a registrant shall have at least 3,200 hours of post-master's experience, supervised by a licensed clinical social worker, in providing clinical social work services as permitted by Section 4996.9. Experience shall consist of the following:

- (1) A minimum of 2,000 hours in psychosocial diagnosis, assessment, and treatment, including psychotherapy and counseling.
- (2) A maximum of 1,200 hours in client-centered advocacy, consultation, evaluation, and research.
- (3) Experience shall have been gained in not less than two nor more than six years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(b) Notwithstanding the requirements of subdivision (a), up to 1,000 hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board.

- (1) Supervision means responsibility for and control of the quality of clinical social work services being provided.
- (2) Consultation shall not be considered to be supervision.

(3) Supervision shall include at least one hour of direct supervisor contact for each week of experience claimed and shall include at least one hour of direct supervisor contact for every 10 hours of client contact in each setting where experience is gained. Not less than one-half of the hours of required supervision shall be individual supervision. The remaining hours may be group supervision. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group setting of not more than eight persons.

(4) The supervisor and the supervisee shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial supervisory plan within 30 days of commencement of supervision. The supervisor shall submit to the board within 30 days of termination of supervision evidence of satisfactorily completed supervised experience by the supervisee.

(c) A "private practice setting" is any setting other than a governmental entity, a school, college, or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community treatment facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code.

(1) In a setting that is not a private practice, a registrant shall be employed on either a voluntary or paid basis.

(2) If volunteering, the registrant shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(3) If employed, the registrant shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(d) Employment in a private practice setting shall not commence until the applicant has been registered as an associate clinical social worker. A registrant employed in a private practice setting shall not do any of the following:

(1) Pay his or her employer or supervisor for supervision, and shall receive fair remuneration from his or her employer.

(2) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(3) Perform services at any place except where the registrant's employer regularly conducts business.

(4) Have any proprietary interest in the employer's business.

(e) A person employed in a setting other than a private practice setting may obtain supervision from a person not employed by the registrant's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the registrant's social work services.

Leg.H. (Added by Stats. 1998, ch. 589, sec 16; Stats. 1999, ch. 657, sec. 15)

## **§4996.22. CONTINUING EDUCATION**

(a) (1) Except as provided in subdivision (c), on and after January 1, 2000, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) For those persons renewing during 1999, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of social work, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education

regulations adopted by the board pursuant to the other provisions of this section.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4990.4, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional social work association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, and a mental health professional association, approved by the board.

(3) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(e) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(f) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(h) The board may adopt regulations as necessary to implement this section.

(i) The board shall submit a report to the Legislature no later than January 1, 2001, evaluating the progress of continuing education required by this section, and making recommendations therefor.

(j) On and after January 1, 1997, the board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet but shall not exceed the costs of administering the corresponding provisions of this section.

Leg.H. (Added by Stats. 1995, ch. 839, sec. 8; Stats. 1997, ch. 196, sec. 3)

## **§4997. INACTIVE LICENSE**

A licensed clinical social worker may apply to the board to request that his or her license be placed on inactive status. Licensees who hold an inactive license shall pay a biennial fee of half of the active renewal fee. Licensees holding an inactive license shall be exempt from continuing education requirements specified in Section 4996.22, but shall otherwise be subject to this chapter and shall not engage in the practice of licensed clinical social work in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed

any required continuing education equivalent to that required for a single renewal period may, upon their request, have their license to practice licensed clinical social work placed on active status. Licensees requesting their license be placed on active status between renewal cycles shall pay the remaining half of their renewal fee.

Leg.H. (Added by Stats. 1998, ch. 879, sec 21.)

## **§4998. DEFINITION; RIGHT TO PRACTICE CLINICAL SOCIAL WORK; BOARD AS GOVERNMENTAL AGENCY**

A licensed clinical social worker corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed clinical social workers, physicians and surgeons, psychologists, marriage, family, and child counselors, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporations Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs. With respect to a licensed clinical social workers corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1, Amended Stats 1996, ch. 829 , Sec. 97; Stats. 1999, ch. 657, Sec. 16)

### **§4998.1. UNPROFESSIONAL CONDUCT**

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act ((Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulations duly adopted under those laws.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Repealed and added by .Stats. 1999, ch. 657, Secs. 17 and 18)

### **§4998.2. NAME**

Notwithstanding Section 4996, the name of a licensed clinical social workers corporation and any name or names under which it may be rendering professional services shall contain the words "licensed clinical social worker" and wording or abbreviations denoting corporate existence.

A licensed clinical social workers corporation that conducts business under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, that the business is conducted by a licensed clinical social workers corporation.

Leg.H. (Amended by Stats. 1990, ch. 334, sec. 1;Amended and renumbered by Stats. 1999, ch. 657, Sec. 20)

### **§4998.3. DIRECTORS, SHAREHOLDERS AND OFFICERS; LICENSE**

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a licensed clinical social worker corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1 ;Amended and renumbered by Stats. 1999, ch. 657, Sec. 21.)

### **§4998.4. INCOME ATTRIBUTABLE TO SHAREHOLDER WHO IS DISQUALIFIED PERSON**

The income of a licensed clinical social workers corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in the Moscone-Knox Professional Corporation Act (Part 4(commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), shall not in any manner accrue to the benefit of that shareholder or his or her shares in the licensed clinical social workers corporation.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Amended and renumbered by Stats. 1999, ch. 657, Sec. 22)

### **§4998.5. CORPORATE UNPROFESSIONAL CONDUCT**

A licensed clinical social workers corporation shall not do or fail to do any act the doing of which or the failure to do which

would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by those statutes, rules, and regulations to the same extent as a person holding a license as a licensed clinical social worker.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1.; Amended and renumbered by Stats. 1999, ch. 657, Sec. 23)

## **§4998.6. RULES AND REGULATIONS**

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a licensed clinical social workers corporation shall include a provision whereby the capital stock of that corporation owned by a disqualified person, as defined in the Moscone-Knox Professional Corporation Act, or a deceased person, shall be sold to the corporation or to the remaining shareholders of that corporation within such time as the rules and regulations may provide, and (b) that a licensed clinical social worker shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

Leg.H. (Added by Stats. 1985, ch. 820, sec. 1; Amended and renumbered by Stats. 1999, ch. 657, Sec. 24)

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# **CALIFORNIA CODE OF REGULATIONS**

## **TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**

### **Division 18. Board of Behavioral Sciences**

(Originally Printed 12-5-46)

#### **ARTICLE 1. GENERAL PROVISIONS**

##### **§ 1800. DECLARATORY DECISIONS**

No decision or opinion issued by the Board is a declaratory decision under Government Code Sections 11465.10.-11465.70. unless the decision or opinion specifically states that it is a "Declaratory Decision".

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 11465.10-11465.70, Government Code.

###### **History**

1. New section filed 6-11-98; operative 7-11-98 (Register 98, No. 24). For prior history, see Register 97, No. 3.

##### **§ 1801. TENSES, GENDER, AND NUMBER**

###### **History**

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

##### **§ 1802. DEFINITIONS**

For the purpose of the rules and regulations contained in this chapter, the term "board" means the Board of Behavioral Sciences; and the term "Code" means the Business and Professions Code.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 4990 and 4990.1, Business and Professions Code.

###### **History**

1. Amendment filed 6-24-71; effective thirtieth day thereafter (Register 71, No. 26).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Change without regulatory effect amending section filed 11-24-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 48).

##### **§ 1803. DELEGATION OF CERTAIN FUNCTIONS**

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the board in connection with



proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.07, 4990.8 and 4990.13, Business and Professions Code; and Section 11500-11528, Government Code.

#### History

1. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. Amendment filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

### **§ 1804. FILING OF ADDRESSES**

Each person or professional corporation regulated by the board shall maintain a current mailing address with the board and shall notify the board within thirty (30) days concerning any change of address giving both the old and new addresses.

Note: Authority cited: Sections 4980.60, 4990.11 and 4990.14, Business and Professions Code. Reference: Sections 4980.07, 4990.11 and 4990.13, Business and Professions Code.

#### History

1. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).

### **§ 1805. APPLICATIONS**

- (a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.
- (b) The board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination. An applicant who fails to submit a complete examination application to the board by a final filing date shall not be eligible for that examination and his or her application shall be considered abandoned if it meets the criteria in Section 1806 (c).

Note: Authority cited: Sections 4980.60, 4988.2 and 4990.14, Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

#### History

1. Amendment filed 1-10-73; effective thirtieth day thereafter (Register 73, No. 2).
2. Amendment filed 12-20-74; effective thirtieth day thereafter (Register 74, No. 51).
3. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
4. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
5. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
6. Change without regulatory effect of NOTE (Register 86, No. 41).
7. Amendment of section and NOTE filed 12-24-99; operative 1-23-2000 (Register 99, No. 52.)

### **§ 1805.1. PERMIT PROCESSING TIMES**

"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various programs are set forth below. The actual processing times reflect the period from the date the board receives an application to the date a license or registration is issued, and apply to those persons who take and pass the first actual available examination.

<i>PROGRAM</i>	Maximum time for notifying that application is complete or deficient	Maximum time after receipt of a complete application to issue or deny license or registration	ACTUAL PROCESSING TIMES BASED ON PRIOR TWO YEARS		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
MFCC Intern Registration	60 days	30 days	15	100	186
MFCC License	90 days	120 days	104	182	260
LCSW Associate Registration	60 days	30 days	15	53	90
LCSW License	90 days	120 days	104	178	253
LEP License	90 days	120 days	98	179	260
Corporation Registration	30 days	30 days	1	34	68
CE Provider Approval	30 days	30 days	n/a	n/a	n/a
MFCC Referral Service Registration	30 days	30 days	n/a	n/a	n/a
All Renewals	30 days	60 days	28	42	56

Note: Authority Cited: Sections 650.4, 4980.60 and 4990.14, Business and Professions Code. Reference: Section 15376, Government Code.

#### History

1. New section filed 1-8-90; operative 1-8-90 (Register 90, No. 3).
2. Amendment filed 5-19-97; operative 5-19-97 pursuant to Government Code section 11343.4(d) (Register 97, No.21).
3. Editorial correction (Register 97, No. 30).
4. Amendment filed 11-5-97; operative 12-5-97 (Register 97, No. 45).

## § 1806. ABANDONMENT OF APPLICATION

An application shall be deemed abandoned if:

- (a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board; or
- (b) The applicant does not submit information that he or she has corrected the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter; or
- (c) The applicant fails to sit for examination within one (1) year after being notified of eligibility; or
- (d) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992 and 4996.3, Business and Professions Code.

#### History

1. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Amendment filed 5-17-90; operative 5-17-90 (Register 90, No. 26).
5. Amendment of subsection (a) and (c), new subsection (d) and amendments of NOTE filed 9-6-96; operative 9-6-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 36).
6. Amendment of subsections (a) and (b) and NOTE filed 6-17-98; operative 7-17-98 (Register 98, No. 25).

## § 1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of marriage, family and child counselors and clinical social workers by Sections 25 and 4980.41 of the Code shall:

- (a) Consist of a minimum of ten (10) hours of training or coursework.
- (b) Include the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior or sexual disorders.
- (c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:
  - (1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or
  - (2) An educational institution approved by the State Department of Education pursuant to Section 94310.2 of the Education Code, including extension courses offered by such institutions; or
  - (3) A continuing education provider approved by a professional association; or
  - (4) A course sponsored by a professional association; or
  - (5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Section 25, Business and Professions Code.

#### History

1. Renumbering and amendment of former Section 1841 to Section 1807 filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38). For history of former Section 1807, see Registers 77, No. 5; and 73, No. 27.
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. Amendment filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

### **§ 1807.1. HUMAN SEXUALITY TRAINING; RENEWAL AND DOCUMENTATION**

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Section 25, Business and Professions Code.

#### History

1. Renumbering and amendment of former Section 1841.1 to Section 1807.1 filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. Repealer filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

### **§ 1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS**

All persons applying for a license or renewal of a license as a marriage, family and child counselor or clinical social worker shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation thereof to the board. The coursework or training in child abuse assessment and reporting shall consist of not less than 7 classroom hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall be:

- (a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, pursuant to Section 94774.5 of the Education Code; or
- (b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage, family and child counseling; or
- (c) Obtained from or sponsored by a local, county, state or federal governmental entity.

(d) Completed after January 1, 1983.

Note: Authority cited: Sections 28, 4980.60 and 4990.14, Business and Professions Code. Reference: Section 28, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

History

1. New section filed 5-7-87; operative 5-7-87 (Register 87, No. 20).
2. Change without regulatory effect amending subsection (a) filed 4-19-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, 17.)

## **§ 1808. SURRENDER OF SUSPENDED OR REVOKED LICENSES**

History

1. Renumbering from Section 1836 filed 2-25-72 (Register 72, No. 9).
2. Renumbering of Section 1848 to Section 1808 filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1809. RESULTS OF EXAMINATION**

Note: Authority cited: Section 17806, Business and Professions Code. Reference: Sections 17800, 17800.2, 17800.3, 17800.7, 17801, 17803, 17804, 17804.1, 17804.2, 17804.3, 17804.4, 17804.5, 17805, 17806, 17820 and 17847, Business and Professions Code.

History

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1810. ALCOHOLISM TRAINING**

The instruction and training in alcoholism and other chemical substance dependency required by Sections 4980.41, 4980.80, 4980.90 and 4996.2 of the Code shall be a course which satisfies the following criteria:

- (a) The course shall consist of not less than one semester unit, with no less than fifteen hours of classroom training.
- (b) The course must be obtained at an educational institution or in an extension course offered by an institution, which is accredited by one or more of the entities specified in Section 1832 of the regulations or which is approved by the State Department of Education pursuant to Section 94310.2 of the Education Code.
- (c) The course shall include training in each of the following subjects related to alcoholism and chemical dependency.
  - (1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.
  - (2) Medical aspects of alcoholism and other chemical dependency.
  - (3) Current theories of the etiology of substance abuse.
  - (4) The role of persons and systems which support or compound the abuse.
  - (5) Major treatment approaches to alcoholism and chemical dependency.
  - (6) Legal aspects of substance abuse.
  - (7) Knowledge of certain populations at risk with regard to substance abuse.
  - (8) Community resources offering assessment, treatment and follow-up for the abuser and family.
  - (9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4980.41 and 4996.2, Business and Professions Code.

History

1. New section filed 3-28-86; effective thirtieth day thereafter (Register 86, No. 13).
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. Amendment filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

**§ 1811. USE OF LICENSE NUMBER IN DIRECTORIES AND ADVERTISEMENTS**

All persons, corporations, or referral services regulated by the board who advertise their services shall include their license or registration number in the advertisement unless such advertisement contains the following specific information:

(a) The full name of the licensee, registered corporation, or registered referral service as filed with the board and

(b) A designation of the type of license or registration held as follows:

(1) Licensed Marriage, Family and Child Counselor.

(2) Licensed Educational Psychologist.

(3) Licensed Clinical Social Worker.

(4) Registered Professional Corporation.

(5) Registered MFCC Referral Service.

(c) An unlicensed Marriage, Family and Child Counselor Registered Intern may advertise if such advertisement complies with Section 4980.44(a)(4) of the Code making disclosures required by that section.

Note: Authority cited: Sections 137, 650.4, 4980.60 and 4990.14, Business and Professions Code. Reference: Section 137, Business and Professions Code.

History

1. New section filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38.)
3. Change without regulatory effect (Register 86, No. 41).
4. Amendment of section and NOTE filed 11-5-97; operative 12-5-97 (Register 97, No. 45).
5. Change without regulatory effect amending subsection (c) filed 11-25-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 48).

**§ 1812. SUBSTANTIAL RELATIONSHIP CRITERIA**

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3 of Division 7 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 481, 490 and 4982, Business and Professions Code.

History

1. New section filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).

## **§ 1813. CRITERIA FOR REHABILITATION-DENIAL OF LICENSURE**

When considering the denial of a license or registration under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration shall consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in Section 480 of the Code.
- (d) The extent to which the applicant has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 482 and 4982, Business and Professions Code.

### **History**

- 1. New section filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
- 2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
- 3. Change without regulatory effect of NOTE (Register 86, No. 41).

## **§ 1814. CRITERIA FOR REHABILITATION-SUSPENSIONS OR REVOCATIONS**

(a) When considering the suspension or revocation of a license, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the suspension or revocation.
- (4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial.
- (7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.
- (8) Evidence, if any, of rehabilitation submitted by the licensee.

(b) When considering a petition for reinstatement of a license or registration under the provisions of Section 11522 of the Government Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in Section 1813 of this article.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 482 and 4982, Business and Professions Code.

#### History

1. New section filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).

### **§ 1815. ORAL EXAMINATION APPEALS**

(a) Any person who fails an oral examination may appeal such failure to the board upon payment of the fee prescribed by statute for rescoring an examination. The bases for appeal shall be examiner misconduct, which means prejudice or bias as evidenced by the statements and/or actions of an examiner, and/or examiner error regarding the competence of the examinee which negatively affects the outcome of the examination.

(b) All appeals and supporting documentation must be filed with the board within 30 days from the date on which the results of the examination were mailed. An appeal shall be in writing and the applicant shall set forth the ground for appeal and all of the specific facts or circumstances which constitute the basis for the appeal and how those facts or circumstances demonstrate examiner misconduct or error.

(c) In order to aid in the filing of an appeal, an examinee may review the tape recording of his or her examination within the 30-day period provided in subsection (b) above. The examinee may take written notes but shall not make or be permitted to make any reproduction of the tape. Such review shall occur only one time and shall be no longer than one hour in length. It shall take place in the board office at a time designated by the executive officer. Except as provided herein, examination materials shall not be released to or reviewed by any examinee.

(d) In order to be eligible for reexamination at the next scheduled examination, an applicant who is awaiting the results of an appeal must file an application for reexamination, together with a fee therefor, on or before the final filing date for that examination.

(e) An examinee will be notified in writing of the results of the appeal. In acting on appeals, the board may take such action as it deems appropriate, including issuance of a license where the board determines that the examinee has demonstrated the required competence.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 4980.50, 4984.7, 4986.80, 4992.1, and 4996.3, Business and Professions Code.

#### History

1. New section filed 3-27-89; operative 3-27-89 (Register 89, No. 13). For history of former Section 1815, see Register 83, No. 38.
2. Change without regulatory effect amending subsection (a) and NOTE filed 11-25-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 48).

### **ARTICLE 2. FEES**

#### **§1816. RENEWAL FEES**

(a) The biennial renewal fee for a marriage, family, and child counselor is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred thirty dollars (\$130.00) except for the period of time in subsection (h).

(b) The biennial renewal fee for a licensed clinical social worker is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred dollars (\$100.00) except for the period of time in subsection (i).

(c) The biennial renewal fee for a licensed educational psychologist is eighty dollars (\$80.00) for each person whose license expires on or after July 1, 1998 except for the period of time in subsection (j).

(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).

(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage, family, and child counselor is twenty-five dollars (\$25.00).

(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18 and 4996.22, Business and Professions Code.

#### History

1. Amendment filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Repealer filed 8-10-87; operative 8-10-87 (Register 87, No. 34).
4. New section filed 2-5-96; operative 2-5-96 pursuant to Government Code section 11343.4 (d) (Register 96, No. 6).
5. New subsection (d) and amendment of NOTE filed 5-19-97; operative 5-19-97 pursuant to Government Code section 11343.4 (d) (Register 97, No. 21).
6. Amendment of section and NOTE filed 3-11-98; operative 3-11-98 pursuant to Government Code section 11343.4 (d) (Register 98, No. 11).
7. Amendment of section heading, new subsections (e)-(g), and amendment of NOTE filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 2).

### **§ 1816.1. INITIAL LICENSE AND REGISTRATION FEES**

(a) On or after July 1, 1998, the fee for issuance of the initial marriage, family and child counselor license shall be one hundred thirty dollars (\$130.00).

(b) On or after July 1, 1998, the fee for issuance of the initial clinical social worker license shall be one hundred dollars (\$100.00).

(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).

(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).

(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).

Note: Authority cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

#### History

1. New section filed 2-6-96; operative 2-5-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 6).
2. Amendment of section and NOTE filed 3-11-98; operative 3-11-98 pursuant to Government Code section 11343.4 (d) (Register 98, No. 11).
3. Amendment of section heading, new subsections (d) and (e), and amendment of NOTE filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4 (d) (Register No. 2).

### **§ 1816.2. WRITTEN AND ORAL EXAMINATION AND RE-EXAMINATION FEES**

(a) The examination and re-examination fee for the written examination of the licensed clinical social worker shall be one hundred dollars (\$100.00).

(b) The examination and re-examination fee for the oral examination of the licensed clinical social worker shall be two hundred dollars (\$200.00).



(c) The examination and re-examination fee for the written examination of the marriage, family, and child counselor shall be one hundred dollars (\$100.00).

(d) The examination and re-examination fee for the oral examination of the marriage, family, and child counselor shall be two hundred dollars (\$200.00).

(e) The examination and re-examination fee for the written examination of the licensed educational psychologist shall be one hundred dollars (\$100.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a) and 4996.4, Business and Professions Code.

History

1. New section filed 9-6-96; operative 9-6-96 (Register 95, No. 48-Z).
2. Amendment of section heading and subsection (a), repealer and new subsection (b), new subsections (c)-(e), and amendment of NOTE filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No.2).

### **§ 1816.3. EXAMINATION APPEAL AND RESCORING FEES**

(a) The fee for rescoring the marriage, family, and child counselor, licensed clinical social worker, or licensed educational psychologist written examination shall be twenty dollars (\$20.00).

(b) The fee for appeal of the marriage, family, and child counselor oral examination shall be one hundred dollars (\$100.00).

(c) The fee for appeal of the licensed clinical social worker oral examination shall be one hundred dollars (\$100.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

History

1. New section filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No. 2).

### **§ 1816.4. EXAMINATION APPLICATION FEES**

(a) The examination application fee for the marriage, family, and child counselor shall be one hundred dollars (\$100.00).

(b) The examination application fee for the licensed clinical social worker shall be one hundred dollars (\$100.00).

(c) The examination application fee for the licensed educational psychologist shall be one hundred dollars (\$100.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

History

1. New section filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No. 2).

### **§ 1816.5. REPLACEMENT AND CERTIFICATION FEES**

(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20.00).

(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

History

1. New section filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No. 2).

## **§ 1816.6. INACTIVE LICENSE FEES**

(a) The fee for issuance of the inactive marriage, family, and child counselor license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The fee for issuance of the inactive licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The fee for issuance of the inactive licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage, family, and child counselor license shall be twelve dollars and fifty cents (\$12.50).

(e) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed clinical social worker license shall be twelve dollars and fifty cents (\$12.50).

(f) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed educational psychologist license shall be twelve dollars and fifty cents (\$12.50).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

### **History**

1. New section filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No. 2).

## **§ 1816.7. DELINQUENT LICENSE FEES**

(a) The delinquency fee for the marriage, family, and child counselor license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage, family, and child counselor license shall be twenty-five dollars (\$25.00).

(e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

(f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

### **History**

1. New section filed 1-8-99; operative 1-8-99 pursuant to Government Code section 11343.4(d) (Register No. 2).

## **§ 1817. PROFESSIONAL CORPORATION FEES**

The following fees are fixed by the board as they pertain to all professional corporations regulated by the board:

(a) The application fee for a certificate of registration as a professional corporation shall be one hundred dollars

(\$100.00).

(b) The professional corporation annual report fee shall be ten dollars (\$10.00).

(c) The professional corporation special report fee shall be five dollars (\$5.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4987.6, 4987.7, 4998.1 and 4998.2, Business and Professions Code.

#### History

1. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Amendment of subsection (b) filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
3. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
4. Change without regulatory effect of NOTE (Register 86, No. 41).

### **§ 1818. LICENSED EDUCATIONAL PSYCHOLOGIST FEES**

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 152.6 and 4986.80, Business and Professions Code.

#### History

1. Amendment of subsection (c) filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Repealer filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

### **§ 1819. REFUND OF APPLICATION FEE**

#### History

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1819.1. CONTINUING EDUCATION PROVIDER FEES**

The application fee for board approval as a continuing education provider is two hundred dollars (\$200.00). This fee also covers the issuance of the initial two-year continuing education provider approval.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

#### History

1. New section filed 5-19-97; operative 5-19-97 (Register 97, No. 21).

## **ARTICLE 3. REGISTERED SOCIAL WORKERS**

### **§ 1820. DEFINITION OF REGISTERED SOCIAL WORKER**

#### History

1. Repealer of Article 3 (Sections 1818-1819) and new Article 3 (Sections 1820-1823) filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5). For prior history, see Registers 71, No. 26 and 70, No. 30.
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1821. ELIGIBILITY FOR EXAMINATION**

Note: Reference: Section 9023, Business and Professions Code.

#### History

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1821.5. VERIFICATION**

Note: Reference: Sections 9022 and 9023, Business and Professions Code.

#### History

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1822. GRADUATES OF FOREIGN SCHOOLS**

History

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1823. RESULTS OF EXAMINATION**

Note: Reference: Sections 9006 and 9011, Business and Professions Code.

History

1. Repealer filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).

## **ARTICLE 4. MARRIAGE, FAMILY AND CHILD COUNSELORS**

## **§ 1830. EDUCATION REQUIREMENTS OF APPLICATION**

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 25, 4980.40 and 4980.41, Business and Professions Code.

History

1. Amendment of subsections (b) and (c) filed 3-28-86; effective thirtieth day thereafter (Register 86, No. 13). For prior history, see Register 85, No. 12).
2. Repealer filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

## **§ 1831. MINIMUM EDUCATIONAL REQUIREMENTS**

History

1. Amendment filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Amendment filed 5-4-72; effective thirtieth day thereafter (Register 72, No. 19).
3. Repealer filed 9-26-75; effective thirtieth day thereafter (Register 75, No. 39).

## **§ 1832. EQUIVALENT ACCREDITING AGENCIES**

The following accrediting agencies are essentially equivalent to Western College Association, which has been renamed the Western Association of Schools and Colleges, and Northwest Association of Secondary and Higher Schools:

(a) Middle States Association of Colleges and Secondary Schools.

(b) New England Association of Schools and Colleges.

(c) North Central Association of Colleges and Secondary Schools.

(d) Southern Association of Colleges and Schools.

(e) The Credentials Evaluation Service of the International Education Research Foundation, Inc. when it evaluates the foreign degree as being equivalent to the required degrees, and those foreign degree programs meet the educational requirements for equivalent degrees and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41 of the Code.

(f) State of California, Department of Education, Bureau of School Approvals with respect to its functions under Education Code section 29023(a)(2), when applied to master's degree and/or doctoral programs which meet the requirements for an equivalent degree pursuant to section 1830 of these regulations, and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41, of the Code.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.41, Business and Professions Code.

#### History

1. Amendment filed 9-26-75; effective thirtieth day thereafter (Register 75, No. 39).
2. Amendment filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).
3. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
4. Change without regulatory effect (Register 86, No. 41).
5. Amendment of subsection (e) filed 5-17-90; operative 5-17-90 (Register 90, No. 26).

### **§ 1833. EXPERIENCE**

(a) In order for experience to qualify under Section 4980.40(f) of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

(2) Experience shall not be credited for more than forty (40) hours in any week.

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.

(4) No more than two hundred fifty (250) hours of experience will be credited for administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes; except that for any person who enrolled in a qualifying degree program prior to January 1, 1990, no more than five hundred (500) hours of experience may be credited for such activities.

(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, no more than two hundred fifty (250) hours of experience will be credited for actual time spent counseling or crisis counseling on the telephone.

(6) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage, family, and child counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom

the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43(d)(1) of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage, family, and child counseling will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43(d)(2) of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log shall be in the form specified below and shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

[See Barclays Official California Code of Regulations for original illustration]

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), and 4980.42 through 4980.45, Business and Professions Code.

#### History

1. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34). For prior history, see Register 75, No. 39.
2. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
3. New subsection (g) filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
4. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
5. Amendment filed 3-19-85; effective thirtieth day thereafter (Register 85, No. 12).

6. Amendment of subsections (a)-(e) filed 2-5-90; operative 2-5-90 (Register 90, No. 8).
7. Repealer of form and new form filed 12-24-92; operative 1-25-93 (Register 93, No. 1).
8. Amendment of section, including repealer and new form, filed 10-31-97; operative 1-1-98 (Register 97, No. 44).
9. The Board of Behavioral Sciences has discovered that the word "hours" was mistakenly duplicated in subsection (c) (2) (filed with the Secretary of State on 10-31-97). However, the duplication was not printed in Barclays Official California Code of Regulations. This action is a change without regulatory effect amending subsection (c) (2) (to remove the duplication from the regulation as filed with the Secretary of State) filed 12-29-97 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 1).
10. Change without regulatory effect amending form filed 4-19-99 pursuant to section 100, California Code of Regulations (Register 99, No. 17).

## **§ 1833.1. REQUIREMENTS FOR SUPERVISORS**

(a) Any person supervising an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage, Family, and Child Counselor Trainee or Intern" revised 1-00 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a marriage, family, and child counselor, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.40 (f) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section 4980.40 (f) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

(2) If such supervisor is not licensed as a marriage, family, and child counselor, he or she shall have sufficient experience, training, and education in marriage, family, and child counseling to competently practice marriage, family, and child counseling in California.

(3) The supervisor keeps himself or herself informed of developments in marriage, family, and child counseling and in California law governing the practice of marriage, family, and child counseling.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the intern or trainee of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision and has averaged at least five (5) patient/client contact hours per week.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) Effective January 1, 2000, supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two years. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).

(C) Supervisors who are licensed by the board who commence supervision on and after January 1, 2000, and have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage, family, and child counselor.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the intern or trainee.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern or trainee by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the intern or trainee the manner in which emergencies will be handled.

(11) The supervisor agrees not to provide supervision to a trainee unless the trainee is a volunteer or employed in one of the following work settings permitted by law:

(A) a governmental entity

(B) a school, college, or university

(C) a nonprofit and charitable corporation

(D) a licensed health facility (Health and Safety Code Sections 1250, 1250.2 and 1250.3)

(E) a social rehabilitation facility or a community treatment facility (Health and Safety Code Section 1502(a))

(F) a pediatric day health and respite care facility (Health and Safety Code Section 1760.2)

(G) a licensed alcoholism or drug abuse recovery or treatment facility (Health and Safety Code Section 11834.02)

(12) The supervisor agrees not to provide supervision to an intern unless the intern is a volunteer or employed in one of the following work settings permitted by law:

(A) a governmental entity

(B) a school, college, or university

(C) a nonprofit and charitable corporation

(D) a licensed health facility (Health and Safety Code Sections 1250, 1250.2 and 1250.3)

(E) a social rehabilitation facility or a community treatment facility (Health and Safety Code Section 1502(a))



(F) a pediatric day health and respite care facility (Health and Safety Code Section 1760.2)

(G) a licensed alcoholism or drug abuse recovery or treatment facility (Health and Safety Code Section 11834.02)

(H) a private practice as specified in Section 4980.43 (f)

(b) Each supervisor shall provide the intern or trainee with the original signed "Responsibility Statement for Supervisors of a Marriage, Family, and Child Counselor Intern or Trainee" revised 1-00 prior to the commencement of any counseling or supervision. The intern shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage, Family, and Child Counselor Intern or Trainee" revised 1-00 from each supervisor upon application for licensure. The trainee shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage, Family, and Child Counselor Intern or Trainee" revised 1-00 from each supervisor upon application for internship.

(c) A supervisor shall give at least one (1) week's written notice to an intern or trainee of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from any intern or trainee for which supervision will be provided, the name, address, and telephone number of the intern's or trainee's most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern or trainee will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of marriage, family, and child counseling; and (2) the experience is in compliance with the requirements set forth in this section.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(g) The supervisor responsibility statement required by this section shall be used for supervisorial relationships commencing on or after 1-1-98.

(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6).

NOTE: Authority cited: Section 4980.35, 4980.40(f) 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

#### History

1. Renumbering of former Section 1833.1 to Section 1833.3 and new Section 1833.1 filed 1-5-90; operative 1-1-91 (Register 90, No. 8). For prior history, see Registers 87, No. 34 and 83, No. 38.
2. Amendment filed 10-31-97; operative 1-1-98 (Register 97, No. 44).
3. Change without regulatory effect amending subsection (a), adding new subsections (a)(11)(E)-(G), repealing and adopting new subsection (a)(12)(E), adding new subsections (a)(12)(F)-(H) and amending subsection (b) filed 4-28-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 18).
4. Amendment of subsections (a)(1), (a)(3), and (a)(4), new subsections (a)(6)(A)-(C), amendment of subsection (b), new subsection (h) and amendment of NOTE file 1-21-99; operative 2-20-99 (Register 99, No. 4).
5. Change without regulatory effect amending subsections (a) and (b) filed 12-22-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 52.)

## **§ 1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

Experience gained outside of California on or after January 1, 1991 must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state in which the supervision occurred and possessed a current license which was not under suspension or probation. The supervisor was licensed or certified by that state, for at least two (2) years prior to acting as supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry as specified in Section 4980.40(f) of the code, or a marriage, family and child counselor or similarly titled marriage and family practitioner.

In a state which does not license or certify marriage, family and child counselors or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42-4980.45 and 4980.90, Business and Professions Code.

### **History**

1. New section filed 1-5-90; operative 1-5-90 (Register 90, No. 8).

## **§ 1833.3. REEXAMINATION**

An applicant who fails any written or oral examination may within one (1) year from the date of that failure retake that examination as regularly scheduled without further application upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination unless a new application is filed, meeting all requirements, and required fees are paid.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.50, Business and Professions Code.

### **History**

1. Renumbering from section 1861 filed 1-10-73; effective thirtieth day thereafter (Register 73, No. 2).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
4. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
5. Renumbering of former section 1833.1 to section 1833.3 filed 1-5-90; operative 1-5-90 (Register 90, No. 8).
6. Amendment of NOTE filed 5-17-90; operative 5-17-90 (Register 90, No. 26).

## **§ 1834. IMPROPER ADVERTISING**

### **History**

1. Amendment of subsection (a) filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Repealer filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).

## **§ 1834.5. NOTIFICATION OF DEGREES**

Note: Authority cited: Sections 9012 and 17806, Business and Professions Code. Reference: Sections 9023, 17804, 17808, 17820, Business and Professions Code.

### **History**

1. New section filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Repealer filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).

## **§ 1834.6. CRITERIA FOR USE OF HYPNOSIS**

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.02 and 4980.40, Business and Professions Code.

### **History**

1. New section filed 4-29-77; effective thirtieth day thereafter (Register 77, No. 18).

2. Amendment of subsection (a) filed 1-20-78 as an emergency; effective upon filing (Register 78, No. 3).
3. Certificate of Compliance filed 4-18-78 (Register 78, No. 16).
4. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
5. Amendment filed 3-19-85; effective thirtieth day thereafter (Register 85, No. 12).
5. Amendment filed 3-19-85; effective thirtieth day thereafter (Register 85, No. 12).
6. Change without regulatory effect repealing section filed 11-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 47).

## **§ 1835. LICENSURE REQUIRED**

Note: Authority cited: Section 17806, Business and Professions Code. Reference: Sections 17800, 17800.2, 17800.3, 17800.7, 17801, 17803, 17804, 17804.1, 17804.2, 17804.3, 17804.4, 17804.5, 17805, 17806, 17820 and 17847, Business and Professions Code.

### **History**

1. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5). For prior history, see Register 72, No. 9.
2. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
3. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1836. SUPERVISION OF UNLICENSED COUNSELORS**

### **History**

1. Renumbering to Section 1848 and new section filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Repealer filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).

## **§ 1840. DISPLAY OF LICENSE**

### **History**

1. New section filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Repealer filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).

## **§ 1841. HUMAN SEXUALITY TRAINING**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Renumbering and amendment of Section 1841 to Section 1807 filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1841.1. HUMAN SEXUALITY TRAINING REQUIRED FOR LICENSEES**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Renumbering and amendment of Section 1841.1 to Section 1807.1 filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1841.2. RENEWAL DEPENDENT UPON TRAINING DOCUMENTATION**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1845. UNPROFESSIONAL CONDUCT**

As used in Section 4982 of the code, unprofessional conduct includes, but is not limited to:

(a) Performing or holding himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(b) Permitting a trainee or intern under his or her supervision or control to perform or permitting the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience.

(c) Failure to comply with the child abuse reporting requirements of Penal Code Section 11166.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 726, 4980.03, 4980.60 and 4982, Business and Professions Code; and Section 11166, Penal Code.

#### History

1. New section filed 2-25-72; effective thirtieth day thereafter (Register 72, No. 9).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Amendment filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
4. Amendment filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
5. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
6. Change without regulatory effect of NOTE (Register 86, No. 41).
7. New subsection (o) and amendment of NOTE filed 5-7-87; operative 5-7-87 (Register 87, No. 20).
8. Amendment filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

## **§ 1846. MARRIAGE, FAMILY AND CHILD COUNSELOR INTERNS**

The registration of each intern shall expire at midnight one year from the last day of the month in which the registration was issued.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03(b), 4980.44 and 4984.7(e), Business and Professions Code.

#### History

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Amendment filed 8-10-87; operative 8-10-87 (Register 87, No. 34).
5. Change without regulatory effect filed 12-7-87; operative 1-6-88 (Register 87, No. 50).

## **§ 1846.1. NOTIFICATION OF EMPLOYMENT AND TERMINATION OF A REGISTERED MARRIAGE, FAMILY AND CHILD COUNSELOR INTERN**

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40, 4980.42 and 4980.60, Business and Professions Code.

#### History

1. New section filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. Repealer filed 8-10-87; operative 8-10-87 (Register 87, No. 34).

## **§ 1848. SURRENDER OF SUSPENDED OR REVOKED LICENSES**

#### History

1. Renumbering to Section 1808 filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5). For prior history, see Register 72, No. 9.

## **ARTICLE 4.5. PROFESSIONAL CORPORATIONS**

## **§ 1850. CITATION OF RULES**

Note: Authority cited: Sections 9012, 9077, 17806 and 17882, Business and Professions Code. Reference for Article 4.5: Section 17875, et seq., Business and Professions Code; Section 13400, et seq., Corporations Code.

History

1. New Article 4.5 (Sections 1850, 1850.1-1850.8) filed 7-6-73; effective thirtieth day thereafter (Register 73, No. 27).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.1. DEFINITIONS AS USED IN THIS ARTICLE**

History

1. Amendment of subsection (c) filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.2. PROFESSIONAL RELATIONSHIPS, RESPONSIBILITIES AND CONDUCT NOT AFFECTED**

History

1. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.3. OFFICE FOR FILING**

History

1. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.4. APPLICATION: REVIEW OF REFUSAL TO APPROVE**

History

1. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.5. REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF REGISTRATION**

History

1. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

**§ 1850.6. NAME OF CORPORATION**

The wording or abbreviation denoting corporate existence shall be limited to one of the following: "Professional Corporation," "Prof. Corp.," "Corporation," "Corp.," "Incorporated," or "Inc."

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4987.8 and 4998.3, Business and Professions Code.

History

1. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
2. Change without regulatory effect of NOTE (Register 86, No. 41).

**§ 1850.7. SHARES: OWNERSHIP AND TRANSFER**

(a) The shares of a marriage, family and child counseling corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(b) The shares of a licensed clinical social worker corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(c) Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

(d) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again ceases to become a disqualified person.

(e) The restrictions of subdivisions (a) or (b) where appropriate and, if appropriate, subdivision (c) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

(f) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his or her shares.

(g) The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) or (b) where appropriate, and where applicable, the restriction of subdivision (c), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4987.9, 4988, 4998.4 and 4998.5, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

#### History

1. Amendment of subsections (b), (c) and (e) filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Amendment filed 3-19-85; effective thirtieth day thereafter (Register 85, No. 12).
4. Change without regulatory effect of NOTE (Register 86, No. 41).

### **§ 1850.8. CERTIFICATE OF REGISTRATION: CONTINUING VALIDITY: REPORTS**

(a) A Certificate of Registration shall continue in effect until it is suspended or revoked. Such certificate may be suspended or revoked if a corporation fails at any time to comply fully with the provisions of these rules, with the statutory provisions governing the appropriate licensed profession and the rules adopted thereto, and with the provisions of the Moscone-Knox Professional Corporation Act or with other applicable provisions of the Corporations Code.

(b) Each year on or before July 31 each corporation licensed under this article, except those licensed on or after April 1 of that year, shall file with the board an annual report on a form provided by it. The report shall reflect the corporation's status as of the preceding June 30 and shall contain such information pertaining to its qualifications and compliance with the statutes, rules and regulations of the board as it may require. Such report shall be accompanied by the appropriate fee specified in Section 1817 of these regulations.

(c) Each corporation shall file a special report, on a form provided by the board, within thirty (30) days of any change of the officers, directors, shareholders, articles of incorporation or corporate name. Such report shall be accompanied by the appropriate fee specified in Section 1817 of these regulations.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4987.6, 4987.7, 4998, 4998.1 and 4998.2, Business and Professions Code.

#### History

1. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).

## **ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS**

### **§ 1854. EQUIVALENT DEGREES**

Degrees deemed equivalent to those specified in Section 4986.20(a) of the Code shall include a master's degree or its equivalent obtained from a college or university accredited by one of the following agencies:

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.

(g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20(a), Business and Professions Code.

#### History

1. New Article 5 (Sections 1854, 1855, 1856, 1857, 1861 and 1863) filed 6-24-71; effective thirtieth day thereafter (Register 71, No. 26).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
4. Change without regulatory effect (Register 86, No. 41).

### **§ 1855. EQUIVALENT EXPERIENCE IN PUPIL PERSONNEL SERVICES**

Semester hours in instructing a course in pupil personnel services approved by the board and offered by an institution accredited by one of the accrediting agencies set forth in Section 1854 above shall be deemed equivalent, within the meaning of Section 4986.20(d) of the Code, to semester hours of postgraduate work devoted to pupil personnel services under the following conditions:

- (1) The applicant has instructed the particular course for at least two semesters;
- (2) The particular course has not been submitted by the applicant for credit as a postgraduate course; and
- (3) The particular course is not a practicum or field work course. In addition to the above, the board may, in its discretion, recognize other experience as equivalent to semester hours of postgraduate work devoted to pupil personnel services.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.

#### History

1. Amendment filed 6-13-74; effective thirtieth day thereafter (Register 74, No. 24).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Change without regulatory effect (Register 86, No. 41).

### **§ 1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST**

- (a) No more than one year of experience will be granted for any 12 month period.
- (b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.
- (c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.
- (d) Persons meeting this requirement must verify this experience by written statements from their sponsors as specified in Section 4986.20 of the Code. These statements shall include information regarding the applicant's:

- (1) Skill in the administration of standardized individual tests for subjects varying from three (3) to twenty-one (21) years of age.
- (2) Skill in the interpretation of results to parents, teachers, administrators , admissions committees, or other appropriate parties.
- (3) Skill in the classification of subjects for special programming based on existing legislation.
- (4) Recognition and diagnosis of learning problems with recommendations for solution of the problems.
- (5) Recognition and amelioration of behavior problems.
- (6) Interpretation of scores of standardized group tests.
- (7) Skills in the use of psychological counseling or other therapeutic techniques with children and parents.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.

#### History

1. Amendment filed 6-13-74; effective thirtieth day thereafter (Register 74, No. 24).
2. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
3. Change without regulatory effect of subsection (d) and new NOTE (Register 86, No. 41).

### **§ 1857. EXPERIENCE EQUIVALENT TO ONE YEAR OF SUPERVISED PROFESSIONAL EXPERIENCE**

(a) An applicant who has completed a minimum of seven hundred and twenty (720) clock hours under professional supervision as specified herein in the following experiences shall be deemed to have suitable experience equivalent to one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist:

- (1) Utilization of all instruments presented within the prescribed course of study in the educational institution attended, with a wide variety of subjects (generally inclusive of WAIS, WISC, Binet, and group tests).
- (2) Administration of additional tests commonly employed in the field by school psychologists.
- (3) Consulting with teachers concerning learning and behavior problems of children enrolled in special education programs.
- (4) Referral to and use of community agencies.
- (5) Oral and written communication of results in accordance with the local supervisor's requirements.

(b) The local supervisor shall consult with the intern at least once weekly during the period of internship and shall:

- (1) Possess a valid credential in school psychology; and
- (2) Have a minimum of two (2) years experience in the field of school psychology.

(c) The general supervisor shall arrange for and coordinate intern placement with the local supervisor, and shall consult with the intern and/or the local supervisor at least three times during the period of internship. A general supervisor shall be qualified as one of the following:

- (1) A credentialed school psychologist;
- (2) A licensed psychologist;
- (3) A licensed educational psychologist;



(4) A state or accredited training institution designated supervisor of school psychology trainees.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4980.20, Business and Professions Code.

History

1. Amendment filed 6-13-74; effective thirtieth day thereafter (Register 74, No. 24).
2. Change without regulatory effect adding NOTE (Register 86, No. 41).

**§ 1858. UNPROFESSIONAL CONDUCT**

The Board may suspend or revoke the license of a licensee who:

- (a) Misrepresents the type or status of license held by the licensee.
- (b) Impersonates a licensee or who allows another person to use his or her license.
- (c) Aids or abets an unlicensed person to engage in conduct requiring a license.
- (d) Intentionally or recklessly causes physical or emotional harm to a client.
- (e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.
- (f) When employed by another person or agency, encourages, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.
- (g) Misrepresents or permits the misrepresentation of his or her professional qualifications, affiliations, or purposes.
- (h) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of an educational psychologist.
- (i) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.
- (j) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.
- (k) Fails to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client during the course of treatment and all information about the client which is obtained from tests or other such means.
- (l) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.
- (m) Advertises in a manner which is false or misleading or in violation of Section 17500 of the Code.
- (n) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. An Educational Psychologist shall limit access to such test or device to persons with professional interests who can be expected to safeguard their use.

(o) Failure to comply with the child abuse reporting requirements of Penal Code Section 11166.

Note: Authority cited: Section 4987, Business and Professions Code. Reference: Sections 730, 4987 and 7867, Business and Professions Code; and Section 11166, Penal Code.

History

1. New section filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
2. Change without regulatory effect of NOTE (Register 86, No. 41).
3. New subsection (o) and amendment of NOTE filed 5-7-87; operative 5-7-87 (Register 87, No. 20).

**§ 1863. APPLICATION AND RENEWAL FEES**

History

1. Amendment filed 6-13-74; effective thirtieth day thereafter (Register 74, No. 24).
2. Repealer filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).

**ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS**

**§ 1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS**

(a) Any person supervising an associate clinical social worker registered with the board on and after May 10, 1999, (hereinafter called "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (new 11-98), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as either a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section 4996.21(b) of the Code and Section 1874 of California Code of Regulations.

(2) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor has practiced psychotherapy as part of his/her clinical experience for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Effective January 1, 2001, supervisors who are licensed by the board shall have:

(A) A minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of such training shall include, but not be limited to:

1. familiarity with supervision literature through reading assignments specified by course instructors;
2. facilitation of therapist-client and supervisor-therapist relationships;
3. evaluation and identification of problems in therapist-client and supervisor-therapist relationships;
4. structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;
5. knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and
6. the practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

(6) The supervisor shall ensure that the extent, kind and quality of clinical social work performed is consistent with the training and experience of the person being supervised and shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work.

(7) Effective January 1, 1999, the supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. of the California Code of Regulations. This original signed plan shall be submitted to the board within 30 days of commencement of any supervision.

(8) The supervisor shall provide the board with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (new 11-98), within 30 days of commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor.

(9) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(10) At the time of termination of supervision, the supervisor shall complete the "Termination of Supervision" (new 11-98). This original signed form shall be submitted to the board by the supervisor within 30 days of termination of supervision.

(11) Effective January 1, 1999, the supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(12) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

Authority cited: Section 4990.14, Business and Professions Code. Reference: Section 4996.21, Business and Professions Code.

1. New section filed 5-10-99; operative 5-10-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20)

## **§ 1870.1. SUPERVISORY PLAN**

(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised 2-99), hereby incorporated by reference.

(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board within 30 days of commencing supervision.

Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4996.18 and 4996.21, Business and Professions Code.

### **History**

1. New section filed 12-23-98 as an emergency; operative 1-1-99 (Register 98, No. 52). A Certificate of Compliance must be transmitted to OAL by 5-3-99 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction moving section 1870.1 from article 5 to article 6 (Register 99, No. 4).
3. Certificate of Compliance as to 12-23-98 order, including amendments of subsection (a) and NOTE, transmitted to OAL 4-6-99 and filed 5-11-99 (Register 99, No. 20)

## **§ 1873. EXPERIENCE**

(a) This section shall apply only to those persons who apply for registration before January 1, 1990. Applications for registration shall be made on form 37A-519 (6/89).

(b) Each applicant shall submit proof satisfactory to the board that subsequent to the receipt of a master's degree from an accredited school of social work, he or she acquired two years of full-time experience acceptable to the board. Two years of full-time experience shall consist of not less than 3,200 hours, at least 1,600 of which have been under professional supervision, or with professional consultation.

(c) As used in this section, professional supervision means:

(1) A minimum of eight hundred (800) hours under the direct supervision of or in a professional consultation with a California licensed clinical social worker which includes one (1) hour per week of regularly scheduled consultation between the supervising or consulting licensee and the applicant. For those acquiring professional supervision or consultation outside of the State of California the board shall determine if such supervision or consultation is equivalent to that in California.

(2) the remainder of such professional supervision or consultation may be with a licensed psychologist or a licensed physician who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(3) One-half of the total supervision required may be in a group setting.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4992.1 and 4996.2, Business and Professions Code.

### **History**

1. New Article 6 (Sections 1873, 1876 and 1880) filed 1-10-73; effective thirtieth day thereafter (Register 73, No. 2).
2. New subsection (c) filed 7-6-73; effective thirtieth day thereafter (Register 73, No. 27).
3. Amendment filed 1-26-77; effective thirtieth day thereafter (Register 77, No. 5).
4. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
5. Change without regulatory effect of NOTE (Register 86, No. 41).
6. Amendment of subsections (a) and (b), and renumbering and amendment of former Section 1876 to Section 1873(c) filed 12-18-89; operative 12-18-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 51).

## **§ 1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS**

For purposes of Sections 4996.20(b) and 4996.21(b), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage, family and child counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4996.20 and 4996.21, Business and Professions Code.

### **History**

1. New section filed 12-18-89; operative 12-18-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 51).
2. Change without regulatory effect amending section and NOTE filed 4-19-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 17).

## **§ 1876. PROFESSIONAL SUPERVISION OR CONSULTATION**

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4992.1 and 4996.2, Business and Professions Code.

### **History**

1. Repealer and new section filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34). For prior history, see Register 74, No. 12.
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Renumbering and; amendment of former Section 1876 to Section 1873(c) filed 12-18-89; operative 12-18-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 51).

## **§ 1877. EXAMINATIONS**

The examination may consist of, but is not necessarily limited to, the following:

(a) A written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and

(b) An oral examination or qualifications appraisal designed to assess the applicant's maturity of judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Section 4992.1, Business and Professions Code.

### **History**

1. New section filed 7-6-73; effective thirtieth day thereafter (Register 73, No. 27.)
2. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
3. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
4. Change without regulatory effect of NOTE (Register 86, No. 41).

## **§ 1878. HUMAN SEXUALITY TRAINING**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1878.1. HUMAN SEXUALITY TRAINING REQUIRED FOR LICENSEES**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

### **§ 1878.2. RENEWAL DEPENDENT UPON TRAINING DOCUMENTATION**

Note: Authority cited: Sections 25, 9012 and 17806, Business and Professions Code. Reference: Sections 25, 9042 and 17804, Business and Professions Code.

### **History**

1. New section filed 10-5-78; effective thirtieth day thereafter (Register 78, No. 40).
2. Repealer filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).

## **§ 1880. UNLICENSED ASSISTANTS**

An unlicensed person employed under Section 4996.15 of the Code to perform limited social work functions shall inform each patient or client prior to performing any such functions that he or she is not a licensed clinical social worker and is under the supervision of a licensed clinical social worker, a licensed psychologist or a licensed psychiatrist, whichever is applicable.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Section 4996.15, Business and Professions Code.

### **History**

1. Repealer of subsection (b) filed 7-6-73; effective thirtieth day thereafter (Register 73, No. 27).
2. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
3. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
4. Change without regulatory effect (Register 86, No. 41).
5. Change without regulatory effect amending section and NOTE filed 4-19-99 pursuant to section 100, California Code of Regulations (Register 99, No. 17).

## **§ 1880.1. NOTIFICATION OF EMPLOYMENT AND TERMINATION OF AN APPRENTICE CLINICAL SOCIAL WORKER**

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Section 4996.17, Business and Professions Code.

### **History**

1. New section filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. Change without regulatory effect repealing section filed 4-19-99 pursuant to section 100, California Code of Regulations (Register 99, No. 17).

## **§ 1881. UNPROFESSIONAL CONDUCT**

The board may suspend or revoke the license of a licensee or may refuse to issue a license to a person who:

- (a) Misrepresents the type or status of license held by such person or otherwise misrepresents or permits the misrepresentation of his or her professional qualifications or affiliations.
- (b) Impersonates a licensee or who allows another person to use his or her license.
- (c) Aids or abets an unlicensed person to engage in conduct requiring a license.
- (d) Intentionally or recklessly causes physical or emotional harm to a client.
- (e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.
- (f) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of a Licensed Clinical Social Worker.
- (g) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.
- (h) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.
- (i) Fails to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client during the course of treatment and all information about the client which is obtained from tests or other such means.
- (j) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.
- (k) Advertises in a manner which is false or misleading.
- (l) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use.
- (m) Commits an act or omission which falls sufficiently below that standard of conduct of the profession as to constitute an act of gross negligence.
- (n) Pays, accepts or solicits any consideration, compensation or remuneration for the referral of professional clients. All consideration, compensation or remuneration must be in relation to professional counseling services actually provided by the

licensee. Nothing in this section shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for such collaboration except when disclosure of such fee is made in compliance with subparagraph (j) above.

(o) Failure to comply with the child abuse reporting requirements of Penal Code Section 11166.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 726, 4990.14, 4992.3 and 4996.11, Business and Professions Code; and Section 11166, Penal Code.

#### History

1. New section filed 1-24-80; effective thirtieth day thereafter (Register 80, No. 4).
2. Amendment filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38).
3. Change without regulatory effect of NOTE (Register 86, No. 41).
4. New subsection (o) and amendment of NOTE filed 5-7-87; operative 5-7-87 (Register 87, No. 20).

### **ARTICLE 6.5. LICENSED CLINICAL SOCIAL WORKERS CORPORATIONS**

Note: Additional authority cited: Section 9077, Business and Professions Code. Reference: Sections 9070-9076, Business and Professions Code; Sections 13400-13410, Corporations Code.

#### History

1. New Article 6.5 (Sections 1885, 1885.1-1885.8) filed 7-6-73; effective thirtieth day thereafter (Register 73, No. 27).
2. Amendment filed 8-20-76; effective thirtieth day thereafter (Register 76, No. 34).
3. Repealer of Article 6.5 (Sections 1885-1885.8) filed 9-15-83; effective thirtieth day thereafter (Register 83, No. 38). For prior history, see Register 77, No. 5.

### **ARTICLE 7. CITATIONS AND FINES**

#### **§ 1886. AUTHORITY TO ISSUE CITATIONS AND FINES**

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed marriage, family, and child counselor (MFCC), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), MFCC Intern, or Associate Clinical Social Worker of the statutes and regulations enforced by the Board of Behavioral Sciences.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

#### History

1. New article 7 (sections 1886-1886.80) and section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

#### **§ 1886.10. CITATIONS FOR UNLICENSED PRACTICE**

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, as defined in Section 302(d) of the Code, who are performing or who have performed services for which a license is required under the statutes and regulations enforced by the Board of Behavioral Sciences. Each citation issued for unlicensed activity shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with section 1886.40 of these regulations. The provisions of sections 1886-1886.80 shall apply to the issuance of citations for unlicensed activity under this section. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 125.95, 148, 149 and 302(d), Business and Professions Code.

#### History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.20. CITATION FORMAT**

A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of each violation, including a reference to the statute(s) or regulation(s) alleged to have been violated. The citation shall inform the cited person of the right to contest the citation. The citation shall be served upon the cited person personally or by certified mail in accordance with the provisions of Section 11505 (c) of the Government Code.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code; Section 11505(c), Government Code.

### **History**

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.30. CITATION FACTORS**

In assessing an administrative fine or issuing an order of abatement, the executive officer of the board shall give due consideration to the following factors:

- (a) The gravity of the violation.
- (b) The good or bad faith exhibited by the cited person.
- (c) The history of previous violations of the same or similar nature.
- (d) Evidence that the violation was or was not willful.
- (e) The extent to which the cited person has cooperated with the board's investigation.
- (f) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation.
- (g) Any other factors as justice may require.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

### **History**

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.40. CITABLE OFFENSES**

The executive officer of the board shall assess fines for citable offenses listed in this section, provided however, in no case shall the total fines exceed \$2,500 for each investigation. The executive officer shall not impose any duplicate fines for the same violation. The fine for a violation of the following sections of the Business and Professions Code, California Code of Regulations, and Welfare and Institutions Code shall be from \$100 to \$2,500.

B&P refers to the Business and Professions Code.

CCR refers to the California Code of Regulations.

W&I refers to the Welfare and Institutions Code.

The summary description in this section is for the convenience of reference only, does not include the complete text or all required elements of the listed statutes and regulations and shall be disregarded in determining the meaning and effect of this section.



	B&P § (unless otherwise indicated)	CCR§	Summary Descriptions
(a)	15630 (W&I §)	1845(c), 1881(o), 1858(o)	Fails to Comply with Child Abuse, Elder and Dependent Adult Reporting Requirements
(b)	480, 4980.02, 4982(l), 4982(s), 4982(t), 4986.10, 4987.9, 4988.1, 4992.3(l), 4996.5, 4996.9, 4998.4	1845(a), 1845(b), 1881(g), 1881(h), 1858(i), 1858(j)	Performing, Offering to Perform, Permitting to Perform Beyond Scope of License
(c)	141, 480, 4982.25, 4992.36		Discipline by Another State or by California Against a Corresponding License
(d)	480, 4980(b), 4982(f), 4986.50, 4992.3(f), 4996	1845(a), 1845(b), 1881(a), 1858(a), 1858(g)	Misrepresentation of License / Qualifications, Practice with an Expired License or Without a License
(e)	123, 4982(q), 4992.3(q)	1881(l), 1858(n)	Violates Exam Security
(f)	480, 125, 4982(h), 4992.3(h)	1881(c), 1858(c)	Aiding and Abetting Unlicensed/Unregistered Activity
(g)	480, 4982(m), 4992.3(m)	1881(i), 1858(k)	Failure to Maintain Confidentiality
(h)	480, 728		Fails to Provide Sexual Misconduct Brochure
(i)	4980.44(a)(4), 4980.45, 4982(r), 4982(t), 4982(u), 4992.3(r)	1833.1, 1845(b), 1858(j), 1881(h)	Improper Supervision of Trainee / Intern / Associate
(j)	480, 4982(e), 4982(u), 4992.3(e), 4986.70(e), 4996.18, 4996.20(c), 4980.48, 4980.43(f), 4980.43(i)	1880, 1880.1	Violations by Registrants / Applicants / Trainees
(k)	4982(n), 4992.3(n)	1881(j), 1858(l)	Failure to Disclose Fees in Advance
(l)	4982(o), 4992.3(o)	1881(n)	Pay, Accept, Solicit Fee for Referrals
(m)	480, 651, 4980.46, 4982(p), 4986.70(d), 4987.8, 4992.3(p), 4998.3	1811, 1881(k), 1850.6, 1858(m)	False / Misleading Advertising
(n)	703, 4980.30, 4984, 4987.7 4998.2		Failure to Pay Required Fees
(o)	4987.9, 4988, 4998.2, 4998.3 4998.4, 4998.5, 4996.19	1850.7, 1850.8	Corporation Requirements
(p)	136	1804	Failure to Notify of Change of Address
(q)	654.2		Prohibited Charges
(r)	4996.7, 4996.8		Display of License/Renewal Receipt
(s)	4996.16		Out-of-State Limitations

NOTE: Authority cited: Sections 125.9, 148, 149, 4980.60, 4987 and 4990.14, Business and Professions Code. Reference: Sections 123, 125, 125.9, 136, 141, 148, 149, 480, 651, 654.2, 703, 728, 4980, 4980.02, 4980.30, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4982, 4982.25, 4984, 4986.10, 4986.50, 4986.70, 4987.7, 4987.8, 4987.9, 4988, 4988.1, 4988.5, 4992.3, 4992.36, 4996, 4996.5, 4996.7, 4996.8, 4996.9, 4996.16, 4996.18, 4996.19, 4996.20, 4998.2, 4998.3, 4998.4, Business and Professions Code; Sections 1804, 1811, 1833.1, 1845, 1850.6, 1850.7, 1850.8, 1858, 1880, 1880.1, 1881, California Code of Regulations; and Section 15630, Welfare and Institutions Code.

History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.50. EXCEPTIONS**

A citation shall not be issued in any of the following circumstances:

(a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the cited person are necessary in order to ensure consumer protection.

(b) The cited person failed to comply with any requirement of any previous citation, including any order of abatement or fine.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.60. COMPLIANCE WITH CITATION/ORDER OF ABATEMENT**

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the citation is contested and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against the cited person.

(d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and fine.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code; Section 11505(c), Government Code.

History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.70. CONTESTED CITATIONS AND REQUEST FOR A HEARING OR INFORMAL CITATION CONFERENCE**

(a) If a cited person wishes to contest the citation, assessment of the administrative fine, or order of abatement, the cited person shall, within thirty (30) days after service of the citation, file in writing a request for an administrative hearing to the executive officer regarding the acts charged in the citation, as provided for in subdivision (b)(4) of Section 125.9 of the Code.

(b) In addition to or instead of requesting an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, the cited person may, within 30 days after service of the citation, contest the citation by submitting a written request for an informal citation conference to the executive officer or his/her designee.

(c) Upon receipt of a written request for an informal citation conference, the executive officer or his/her designee shall, within 60 days, hold an informal citation conference with the cited person. The cited person may be accompanied and represented at the informal citation conference by an attorney or other authorized representative.

(d) If an informal citation conference is held, the request for an administrative hearing shall be deemed to be withdrawn and the executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued, at the conclusion of the informal citation conference. If affirmed or modified, the citation originally issued shall be considered withdrawn and an affirmed or modified citation, including reasons for the decision, shall be issued. The affirmed or modified citation shall be mailed to the cited person and his/her legal counsel, if any, within 10 days from the date of the informal citation conference.

(e) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **§ 1886.80. DISCONNECTION OF TELEPHONE SERVICE**

Nothing in this section shall preclude the board from using the provisions of Section 149 of the Code in addition to any citation issued to an unlicensed person.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

History

1. New section filed 1-17-97; operative 2-16-97 (Register 97, No. 3).

## **ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE, FAMILY, AND CHILD COUNSELORS AND LICENSED CLINICAL SOCIAL WORKERS**

### **§1887. DEFINITIONS**

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, and self-study courses.

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, viewing of videotapes, listening to audiotapes, participating in studies electronically transmitted from another location, or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.

(d) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next

expiration date.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New article 8 (sections 1887-1887.12) and section filed 5-19-97; operative 5-19-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 21).

## **§1887.1. LICENSE RENEWAL REQUIREMENTS**

(a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54 and 4996.22 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b) and 4992.3(b) of the Code.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS**

(a) An initial licensee shall complete at least eighteen (18) hours of continuing education, of which no more than six (6) hours may be earned through self-study courses, prior to his or her first license renewal.

(b) A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 4984.8 and 4997 of the Code.

(c) A licensee may submit a written request for exception from the continuing education requirement for any of the reasons listed below. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception, whether the exception was granted. If the request for exception is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4996.22, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

#### History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).
2. Change without regulatory effect amending subsection (b) filed 4-19-99 pursuant to section 100, California Code of Regulations (Register 99, No. 17).

### **§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS**

(a) A licensee shall accrue at least thirty-six (36) hours of continuing education courses as defined in Section 1887.4. A licensee may accrue no more than twelve (12) hours of continuing education earned through self-study courses during a single renewal period.

(b) Pursuant to Section 29 of the Code, a licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above.

Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees.

Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.

(e) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(f) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 29, 32, 4980.54 and 4996.22, Business and Professions Code.

#### History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

### **§1887.4. CONTINUING EDUCATION COURSE CONTENT**

(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage, family, and child counseling or clinical social work and meet the requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of a course shall also be related to direct or indirect patient/client care.

(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).

(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations,

supervision training).

(b) A provider shall ensure that a course has specific objectives that are measurable.

(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.5. HOURS OF CONTINUING EDUCATION CREDIT**

(a) One hour of instruction is equal to one hour of continuing education credit.

(b) One academic quarter unit is equal to ten (10) hours of continuing education credit.

(c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.6. CONTINUING EDUCATION PROVIDERS**

A continuing education course shall be taken from:

(a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1) or 4996.22(d)(1) of the Code; or

(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.7. BOARD-APPROVED PROVIDERS**

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (form no. 37A-633, new 5/97), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Board-approved provider status is non-transferable.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).
2. Change without regulatory effect amending subsection (b) filed 4-19-99 pursuant to section 100, California Code of Regulations (Register 99, No. 17).

**§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS**

(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:

(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;

(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or

(3) a provider makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point.

Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the three license types regulated by the board. The decision of the continuing education appeals committee is final.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

**§1887.9. COURSE ADVERTISEMENTS**

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

(a) the provider's name;

(b) the provider number, if a board-approved provider;

(c) the statement "Course meets the qualifications for \_\_\_\_\_ hours of continuing education credit for MFCCs and/or LCSWs as required by the California Board of Behavioral Sciences";

(d) the provider's policy on refunds in cases of non-attendance by the registrant; and

(e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.10. COURSE INSTRUCTOR QUALIFICATIONS**

(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;

(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or

(4) at least two years' experience in an area related to the subject matter of the course.

(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54, 4982.15 and 4996.22, Business and Professions Code.

### **History**

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

2. Amendment redesignating first paragraph as subsection (a) and former subsections (a)-(d) as new subsections (a)(1)-(4), adding new subsection (b) and amending NOTE filed 8-17-99; operative 9-16-99 (Register 99, No.34).

## **§1887.11. RECORDS OF COURSE COMPLETION**

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) provider number, if a board-approved provider;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

### **History**

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## **§1887.12. LICENSEE AND PROVIDER COURSE RECORDS**

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:



- (1) syllabi for all courses;
- (2) the time and location of all courses;
- (3) course advertisements;
- (4) course instructors' vitae or resumes;
- (5) attendance rosters with the names and license numbers of licensees who attended the courses;
- (6) sign-in sheets; and
- (7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections s4980.54 and 4996.22, Business and Professions Code.

#### History

1. New section filed 5-19-97; operative 5-19-97 (Register 96, No. 40-Z).

## ARTICLE 9. DISCIPLINARY GUIDELINES

### §1888. DISCIPLINARY GUIDELINES

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Behavioral Sciences shall consider the disciplinary guidelines entitled "Board of Behavioral Sciences Disciplinary Guidelines" [Rev. February 6, 1997] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Sections 4980.60, 4987, 4990.14, 4988.2, 4998.7, Business and Professions Code; and Sections, 11400.20 and 11400.21 Government Code. Reference: Sections 4982, 4986.70, 4988.1, 4992.3, 4998.7, Business and Professions Code; and Sections 11400.20, and 11425.50(e), Government Code.

#### History

New article 9 (section 1888) and section filed 7-1-97; operative 7-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 27).

## ARTICLE 10. GROUP ADVERTISING AND REFERRAL SERVICES FOR MARRIAGE, FAMILY, AND CHILD COUNSELORS

### §1889. DEFINITIONS

An "MFCC referral service" means a group advertising and referral service for marriage, family, and child counselors as provided for in Section 650.4 of the Code.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

#### History

1. New article 10 (sections 1889-1889.3) and section filed 11-5-97; operative 12-5-97 (Register 97, No. 45).

## **§1889.1. REGISTRATION**

(a) The board shall issue a registration for an MFCC referral service to an applicant who submits:

(1) a completed MFCC Referral Service Registration Application (form no. 37A-309, new 8/97), hereby incorporated by reference;

(2) a copy of the service's standard form contract regulating its relationship with member marriage, family, and child counselors, demonstrating compliance with Section 650.4 of the Code and this article; and

(3) a copy of the service's advertising, demonstrating compliance with Section 650.4 of the Code and this article.

(b) An MFCC referral service registration issued under this section shall remain valid until suspended or revoked, or until the MFCC referral service notifies the board in writing that the service has discontinued referrals to any marriage, family, and child counselors and no longer desires registration, provided there are no pending disciplinary actions on the MFCC referral service's registration.

(c) It is unlawful for any MFCC referral service to make referrals to participating or member marriage, family, and child counselors unless at the time of so doing such service holds a registration that is valid and in good standing.

(d) An MFCC referral service registration is non-transferable.

(e) An MFCC referral service shall notify the board within thirty (30) days concerning any changes or modifications to the service's standard form contract regulating its relationship with member marriage, family, and child counselors, providing a copy of the new contract to the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.  
History

1. New section filed 11-5-97; operative 12-5-97 (Register 97, No. 45).

## **§1889.2. REVOCATION OR DENIAL OF REGISTRATION**

(a) The board may revoke its registration of an MFCC referral service or deny an MFCC referral service application for good cause. For the purposes of this subsection, "responsible party" includes any owner, co-owner, or member on the board of directors of an MFCC referral service. Good cause includes, but is not limited to, the following:

(1) the responsible party of an MFCC referral service is convicted of a felony or misdemeanor offense substantially related to the activities of an MFCC referral service;

(2) the responsible party of an MFCC referral service, who is a licensee of the board, fails to comply with any provisions of Chapters 13 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations;

(3) an MFCC referral service fails to comply with any provisions of Sections 650, 650.4, or 651 of the Code or these regulations; or

(4) an MFCC referral service makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its registration of an MFCC referral service, it shall give the MFCC referral service written notice setting forth its reasons for revocation or denial. The MFCC referral service may appeal the revocation or denial in writing, within fifteen (15) days after service of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point.

Should the board's designee decide to uphold the revocation or denial, the MFCC referral service may appeal the

decision of the board's designee in writing, within fifteen (15) days after service of the decision of the board's designee, and request a hearing with a referral services appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The referral services appeals committee shall contain three board members, one of whom shall be a public member, and two of whom shall be members representing two of the three license types regulated by the board. The decision of the referral services appeals committee is final.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

History

1. New section filed 11-5-97; operative 12-5-97 (Register 97, No. 45).

### **§1889.3. ADVERTISING AND REFERRAL GUIDELINES**

(a) An MFCC referral service shall advertise and make referrals in accordance with Sections 650.4 and 651 of the Code and Section 1811 of these regulations.

(b) An MFCC referral service shall only make referrals to marriage, family, and child counselors with current, valid licenses. Referrals made to marriage, family, and child counselors on probation shall be made in accordance with the terms of probation set by the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

History

1. New section filed 11-5-97; operative 12-5-97 (Register 97, No. 45).

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